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1854



GENERAL SAM HOUSTON.

A

BRIEF HISTORY

OF

T E X A S

FROM

ITS EARLIEST SETTLEMENT.

TO WHICH IS APPENDED

THE CONSTITUTION OF THE STATE.

FOR SCHOOLS.

BY

D. W. C. BAKER.

A. S. BARNES & COMPANY,  
NEW YORK AND CHICAGO.

1873. ▲

AUSTIN, January 4, 1873.

SIR:—I have the honor to inform you that the "HISTORY OF TEXAS" written by you was adopted by the Board of Education for the use of the Free Schools of this State.

Very Respectfully,

J. C. DEGRESS,

*Supt. Pub. Instruction, State of Texas.*

D. W. C. BAKER, Austin, Tex.

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## P R E F A C E.

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In the following pages I have endeavored to unite brevity, comprehensiveness, and simplicity. My object has been to give a clear and concise narrative of the most important events in the history of Texas. If a knowledge of the history of his own State is of importance to every citizen thereof, and if such knowledge conduces to good and intelligent citizenship, by promoting a healthy feeling of State and national pride, it is certainly desirable that such a study should be incorporated into the early training of our youth. Feeling assured that this is so, and animated by a hearty desire to be of service to the children of my commonwealth, I have prepared this little volume, and to them I now affectionately dedicate it.

D. W. C. BAKER.

AUSTIN, *January 1873.*



# CONTENTS.

---

	PAGE
Frontispiece.—Sam Houston . . . . .	2

## GEOGRAPHY, ETC.

Area.—Location.—Topography.—Principal Products.—Cattle and Horses.—Minerals and Metals.—Mineral Waters.—Principal Towns.—Oldest Towns.—Oldest American Towns.—Population.—Climate.—Principal Rivers.—Railroads.—Unappropriated Domain.—Questions on the Introduction . . . . .	15
--	----

## CHAPTER I.

Texas.—Its Meaning.—La Salle.—Fate and Character of La Salle. No Tribute to him.—Leon's Colony.—Missions.—Second Colony Abandoned.—Aborigines of Texas.—More about the Indians.—Wild Indians.—Indians Called Friendly.—Questions on Chapter I. . . . .	20
--	----

## CHAPTER II.

Permanent Settlement.—Spanish Missions.—Original Name of Texas.—French Claim to Texas.—More of the Missions.—Fate of the Missions.—Progress of Texas.—How Governed.—Massacre of Missionaries.—Texas and Coahuila.—Practically no Government.—France gives up Texas.—Mexico Independent.—Eastern Boundary.—Questions on Chapter II. . . . .	25
--	----

## CHAPTER III.

1750 to 1800.—Number of Indians.—1800 to 1820.—Parties Engaged in these Projects.—Aaron Burr.—Lieut. Augustus Magee.—Gen. J. A. Toledo.—Don Louis Avery.—Dr. James Long.—Lafitte.—Little Inducement for Settlement.—Questions on Chapter III. . . . .	28
---	----

## CHAPTER IV.

	<small>PAGE</small>
American Colonists.—Revolution in Mexico.—Stephen F. Austin.—Moves to Missouri.—Austin's Colony.—His Character.—Death of Austin.—Location of Austin's Colony.—Edwards' Colony.—Fredonian War.—Cohuila and Texas.—Blanco's Administration.—Arbitrary Decree.—Outbreaks.—Battle of Nacogdoches.—Questions on Chapter IV. . . . .	34

## CHAPTER V.

Council of 1833.—A Memorial.—Commissioners to Mexico.—Detention of Austin.—Imprisonment of Austin.—First Court in Texas.—Committees of Safety.—War Impending.—Santa Anna.—The Lexington of Texas.—The War Begun.—Austin Returns.—Affair at Goliad.—Consultation at San Felipe.—Battle of Conception.—Questions on Chapter V. . . . .	38
--	----

## CHAPTER VI.

Battle of Conception.—The Consultation Meets.—An Executive Council.—Provisional Government.—Other Officers.—Declaration.—Questions on Chapter VI. . . . .	42
---	----

## CHAPTER VII.

Volunteers for Texas.—Gen. Sam Houston.—His Birth and Early Life.—Indian Agent.—Other Offices.—Resigns.—Comes to Texas.—Privations.—Grass Fight.—Battle of Antonio.—San Antonio Taken.—Death of Milam.—Questions on Chapter VII. . . . .	46
--	----

## CHAPTER VIII.

Decisive Measures.—The Alamo.—The Final Assault.—Dreadful Encounter.—Result.—Republic of Texas.—Government ad Interim.—The Young Republic.—Slaughter at Goliad.—King's and Ward's Fights.—Fannin Surrounded.—The Texans Surrender.—Perfidy of Santa Anna.—Questions on Chapter VIII. . . . .	50
--	----

## CHAPTER IX

Effect of Reverses.—Houston's Decision.—The Address.—The Retreat.—The Design.—Santa Anna Follows.—In Line of Battle.—The Twin Sisters.—Skirmishing.—Battle of San Jacinto.—Santa Anna Captured.—Questions on Chapter IX. .	56
--	----

## CHAPTER X.

	PAGE
Gen. Houston Wounded.—Interview with Santa Anna.—How to Dispose of Santa Anna.—His Return.—Results of the 21st April.—First Newspaper in Texas.—Unanimous Declaration of Independence.—Questions on Chapter X. . . . .	61

## CHAPTER XI.

Texas in the U. S. Congress.—A Commissioner to Texas.—A Constitutional Government.—First Election.—First Congress.—Minister to Washington.—Results of the Session.—Questions on Chapter XI. . . . .	74
---	----

## CHAPTER XII.

Mexico still Claims Texas.—What the Indians were Told.—Gen. Houston Resigns.—Rusk Appointed to the Cabinet.—Second Session of First Congress.—Accommodations at Houston.—Independence Acknowledged by United States.—Annexation put off.—Border Warfare.—Mexican Privateers.—Texas Navy.—Questions on Chapter XII. . . . .	77
--	----

## CHAPTER XIII.

Financial Troubles.—State of the Treasury.—In Debt to the Army.—The Soldiers Furloughed.—How to Raise Money.—Treasury Notes.—Panic of 1837.—Indian Wars.—Social and Religious.—Churches.—Questions on Chapter XIII. . . . .	81
---	----

## CHAPTER XIV.

Protestant Denominations.—Sunday Schools.—Land Titles.—Spanish Grants.—Mode of Surveying.—The Contract Sealed.—Value of Land.—Indian Land Titles.—The Colonial Head Right System.—Mexican Method of Head Rights.—American System.—Conflict of Title.—Questions on Chapter XIV. . . . .	84
--	----

## CHAPTER XV.

Seat of Government.—Changes.—More Changes.—Archive War.—Capital at Houston.—Terms of Office.—Second President.—Independence Acknowledged by France.—England, Holland and Belgium.—Lamar's Indian Policy.—Minister Extraordinary.—Questions on Chapter XV. . . . .	87
---	----

## CHAPTER XVI.

Growth of Texas.—Her Monetary Affairs.—A Pig meddles in For-
--

	PAGE
eign Affairs.—Santa Fe Expedition.—Without Sanction.—Disastrous Result.—Houston Re-elected.—Houston's Indian Policy.—Mexican Invasion.—The Texans Prepare for War.—Santa Fe Prisoners Released.—Questions on Chapter XVI. . . . .	91

### CHAPTER XVII.

Another Invasion.—The Court Captured.—The Invaders Repulsed.—Mier Expedition.—Unfortunate Result.—Great Disparity of Numbers.—After Particulars.—The Black Bean.—Defensive Measures.—Additional Measures.—Better Prospects.—The Indians more Peaceful.—Annexation.—England and France Object.—Questions on Chapter XVII. . . . .	94
--	----

### CHAPTER XVIII.

Anson Jones President.—Regulators.—Moderators.—Annexation Accomplished.—General Jackson's Congratulation.—Indian Treaty.—Questions on Chapter XVIII. . . . .	98
--	----

### CHAPTER XIX.

Recapitulation—First ; Second ; Third ; Finally.—Convention of 1845.—Gen. Rusk's Remarks.—Constitution Adopted.—Henderson's Administration.—War with Mexico.—The Question Settled.—Wood's Administration.—1847 to 1849.—Questions on Chapter XIX. . . . .	101
---	-----

### CHAPTER XX.

Bell's Administration.—The Boundary Compromise.—Texas in Easy Circumstances.—Indian Affairs.—Public Buildings.—J. W. Henderson's Administration.—Colony Claims Settled.—Pease's Administration.—Debt of the Republic Canceled.—The Asylums Founded.—Other Public Buildings.—Criminal Code.—A Permanent School Fund.—Railroad Act.—Cart War.—Indian Reserves.—Important Law in Regard to Wills.—Questions on Chapter XX. . . . .	105
---	-----

### CHAPTER XXI.

Runnels' Administration.—Public Buildings.—Sectional Hostilities.—Election of 1859.—Cortina War.—Disunion in Texas.—An Extra Session.—The Governor too Slow.—Questions on Chapter XXI. . . . .	110
--	-----

## CHAPTER XXII.

A Convention.—The Legislature Convened.—The Governor's Message.—The Legislature Endorses the Convention.—Secession Accomplished.—The Southern Confederacy.—Governor Houston Declines.—Gov. Houston Retires.—His Memory.—Clark's Administration.—Questions on Chapter XXII.	<small>PAGE</small>
	119

## CHAPTER XXIII.

Lubbock's Administration.—Army Supplies.—The Sibley Expedition.—Galveston Taken.—Again Occupied.—Galveston Retaken.—Blockade Running.—Paper Money.—Questions on Chapter XXIII.	<small>PAGE</small>
	123

## CHAPTER XXIV.

Murrah's Administration.—Manufactures in Texas.—Surrender of Texas.—The Interregnum.—The Soldiers Disbanded.—The State Treasury Robbed.—Hamilton's Administration.—Emancipation.—An Amnesty.—Financial Condition.—Cash on Hand.—Reconstruction Convention.—Constitution Amended.—Election for State Officers.—The Indians Troublesome.—Questions on Chapter XXIV.	<small>PAGE</small>
	125

## CHAPTER XXV.

Again Under Military Rule.—Another Convention.—Reynolds in Command.—Second Convention.—State Officers.—No Presidential Election.—Disastrous Floods.—Texas Re-admitted.—Questions on Chapter XXV.	<small>PAGE</small>
	130

## CHAPTER XXVI.

Davis' Administration.—State Militia and Police.—Public Schools.—Registration.—Homestead Exemption.—Other Exemptions.—Marital Rights.—Wills.—Limitation Laws.—Questions on Chapter XXVI.	<small>PAGE</small>
	133

## CHAPTER XXVII.

The Judiciary.—Courts.—Bureau of Immigration.—Carrying Deadly Weapons.—Important Land Law.—Internal Improvements.—Present Condition of Texas.—Questions on Chapter XXVII.	<small>PAGE</small>
	137

The Constitution of the State of Texas . . . . .	<small>PAGE</small>
	141

General Review Questions. . . . .	<small>PAGE</small>
	177

Appendix . . . . .	<small>PAGE</small>
	181



## PERIOD I.

FROM THE DISCOVERY OF TEXAS IN 1685,

TO

ITS INDEPENDENCE IN 1836.

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## TEXAS

*As a Dependency of Spain and Mexico.*



# HISTORY OF TEXAS.

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## GEOGRAPHY, Etc.

**Area.**—Texas contains about 274,366\* square miles of territory.

**Location.**—Texas is bounded on the north and west by the Indian Territory, New Mexico, and Mexico ; and on the south and east by the Gulf of Mexico and Louisiana.

**Topography.**—Texas is naturally divided into three parts, each differing from the other.

*First*—The sea-board extending from the Sabine to the Rio Grande, and running inland sixty to one hundred miles.

*Second*—The uplands, or Middle Texas. This constitutes the great part of the State. It is from three to six hundred feet above the level of the sea, and is well diversified with hills and valleys, prairies and forests.

*Third*—The great plains or table-lands stretching away to the north-west. These plains are occasionally broken with lofty mountains upon the upper waters of the Pecos, the Brazos, and Red rivers.

The first and second of these divisions of Texas cannot be excelled for fertility of soil, and scarcely for salubrity of climate.

The third is still the abode of the Indian and the buffalo.

\* From data obtained at the General Land Office. It is impossible to be exact in this particular, but the area of Texas is not far from these figures.

**Principal Products.**—The chief products of the soil in Texas are cotton and the cereals. Sugar and tobacco are also raised to a considerable extent.

**Cattle and Horses.**—In Western Texas, the raising of cattle and horses, for the Northern markets, constitutes a very important and lucrative branch of industry. Scores of thousands of beef cattle are annually driven from Texas to Kansas and Missouri; and while the mighty prairies continue to supply such cheap and abundant pasturage, this trade is not likely to diminish.



BRANDING CATTLE.

**Minerals and Metals.**—Recent examinations have proved, beyond a doubt, the fact that Texas is rich in several of the most valuable ores. Iron abounds in Eastern Texas, and iron, lead, and silver is found in Llano, Burnet, and

other counties. Copper of a rich quality exists abundantly in the north-west, and coal-fields of considerable extent have lately been opened.

**Mineral Waters.**—A number of mineral springs possessing valuable medicinal properties have long since been found in Texas. Among the most noted of these are the Sour Lake and wells in Hardin County, and the Sulphur Springs in Lampasas County.

The following is an analysis of the Lampasas Springs, made by the author of this book, in 1855 :

There are two principal springs—Hancock's, or the Great Boiling Spring, and Burleson's, or the Lower Spring.

The former contains in one wine-pint : sulphuretted hydrogen,  $2\frac{1}{2}$  cubic inches ; carbonic acid, amount undetermined ; common salt, 7 grains ; carbonate of lime, 2 grains ; carbonate of magnesia, 1 grain. The latter, or Burleson's, contains in one wine-pint : sulphuretted hydrogen, 4 cubic inches ; carbonic acid, amount undetermined ; common salt, 32 grains ; carbonate of lime, 3 grains ; carbonate magnesia,  $1\frac{1}{2}$  grains. The temperature of the water is 70 degrees Fahrenheit.

**Principal Towns.**—The largest towns in Texas are Galveston (upon the eastern part of the island of that name), Houston (at the head of Buffalo Bayou), Jefferson (in Marion Co.), San Antonio (in Bexar Co.), and Austin (in Travis Co.).

**Oldest Towns.**—The oldest towns in Texas are San Antonio, first settled in 1692 by the Spanish Catholics ; Goliad, or La Bahia, as it was first called ; and Nacogdoches.

**Oldest American Towns.**—Among the oldest American towns in Texas are San Felipe, Liberty, Brazoria, Columbia, and Washington.

**Population.**—The population of Texas was—

In 1820,	about 20,000.	In 1850,	census 212,592.
" 1830,	" 25,000.	" 1860,	" 601,039.
" 1836,	" 52,000.	" 1870,	" 818,579.
" 1840,	" 60,000.	" 1873, est'd	<i>over one million.</i>

**Climate.**—The climate of Texas is generally uniform, pleasant, and healthy. A meteorological record kept at Austin for about seventeen years, by Professor J. Van Nostrand, shows an average of about 88° in summer, and 46° in winter; and an annual rain fall of 33 inches during same time.

**Principal Rivers.**—The principal rivers of Texas are, the Sabine, on the east; the Trinity,\* the Brazos,† the Colorado,‡ the Guadalupe,§ the San Antonio, and the Rio Grande,|| on the west.

The three first flow in a southerly course, and empty into the Gulf of Mexico. They are partially navigable. The Colorado takes its rise from springs in the northwestern part of the State, flows for about four hundred miles through the central portion, and empties into Matagorda Bay. The Guadalupe is a clear and rapid stream similar to the Colorado, but smaller. The San Antonio takes its rise from springs four or five miles above the City of San Antonio, and flows in a bold and limpid current toward the Gulf, receiving in its course the Medina, and then uniting with the Guadalupe above its mouth. The Rio Grande is the western boundary of Texas. The rivers of western Texas on

\* *Trinity* means *three in one*, so-called from the three forks of this river, which unite to form the main stream.

† *Brazos* means *arms*; on the old map called *Brazos de Dios*, *arms of God*.

‡ *Colorado* means *red*, and is so named from the color which the water of this stream assumes during a freshet. The color is imparted by the soil through which it flows.

§ *Guadalupe* means *Wolf River*, from *Guada* (Arabic) *river*, and *Lupus* (Latin) *wolf*.

|| *Rio Grande*, meaning *Grand River*. This stream had much more appropriately been called long river, than grand river.

account of their rapid currents are not navigable, except the Rio Grande which is navigable for light-draft boats for about 250 miles.

**Railroads.**—Texas has now in operation about 1000 miles of railway. The following grand trunk railways are now being, or will soon be, constructed, and when completed will open Texas to free communication with all parts of the continent. Several other roads have also been chartered and are now being built. The railroads of Texas have generally been munificently endowed by the State, which has given liberally of its public domain and loaned its money to create these great arteries of commerce and travel. The Houston and Great Northern Railroad; the Houston and Texas Central Railroad; the Southern Pacific Railroad; the International Railroad; the Missouri, Kansas and Texas Railroad.

Texas has granted to railroads in all more than 8,000,000 acres of land.\*

**Unappropriated Domain.**—Texas has still about 89,000,000 acres of vacant and unappropriated land.

\* From the last report of the Commission of the General Land Office.

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#### QUESTIONS ON THE INTRODUCTION.

What is the area of Texas? How is it bounded? How is it naturally divided? What are its chief productions? In what portion are its principal cattle interests? What minerals and metals are found? Where are some of its mineral waters? Name the chief towns? The oldest towns? The oldest American towns? Give the population by decades? What about the climate? The principal rivers, Meaning of their names? How many lines of railway? What principal railways? How much vacant land has Texas still?

## CHAPTER I.

**Texas\*** is supposed to have taken its name from an Indian village called Texas on the Neches River.

**Its Meaning.**—The tribe of Indians called Nassonites have the honor of giving the name to Texas. Its meaning in their language is said to be *friend.*†

**La Salle.**‡—The first white discoverer of Texas was a Frenchman named La Salle, who with a small colony landed

\* How and when Texas received its present name has been a subject of controversy and speculation. Some writers assert that it was so called because its supposed discoverer found the dwellings of the inhabitants to have roofs, which in the Spanish language are called *tejas*, or *texas*, and hence the name; but if this be the true reason, then Mexico should also have been called Texas, because Jean de Grijalva, who discovered it, found these houses not only with roofs, but otherwise in point of construction and comfort compared so favorably with those in Spain at the time that he called the newly-discovered country *New Spain*. Others seem to find a solution of the difficulty in the assumption that the word *tecas* in the language of the aborigines meant *friends*, with which expression they are said to have hailed La Salle and his companions, but he and those of his followers who perished at their hands had rather a rough demonstration of the fact. There is another hypothesis, which is probably the true one, and that is, that *texas* was used as an affix to the names of many Indian provinces or countries to denote their inhabitants, as for instance those of Tlaxcalla were called *Tlaxcaltecas*; those of Cholula, *Cholultecas*; those of Cuitlahuac, *Cuitlachtecas*. The territory now called Texas was known to the Spanish missionaries in 1524, as Mixtecapan, and its inhabitants as *Mixtecas*: these were the descendants of Mixtecatl, the fifth of the six sons of Izta. Mixtecatl, the reputed progenitor of the inhabitants of Mexico at the time of its conquest by Cortes. By a slight mistake in copying the word *Mixtecas*, and using a small instead of a capital M, by the Spaniards in the beginning of the 17th century (who it is well-known paid but little attention to the use of capital letters in their writings), it was probably written *lastecas* in the old manuscript in San Antonio, by which expression some tribes of Texas Indians were then known, and thus Texas acquired its name. (See Torquemadas Monarquia Indiana. Madrid, 1723.)

† *Teja* (Spanish) means *Rooftile*. Tejas, plural, would be *Rooffiles*, and this is the way Spanish writers spell the word Texas. Whether the name Texas has any reference to this is a question for the reader to investigate.

‡ Robert Cavalier De La Salle was a native of Ronen, in Normandy, date not known. His early years were spent in a nunnery of the Jesuits where he ac-

at Matagorda Bay in 1685. Here he built a fort and called it after the King of France, St. Louis. This colony was not a permanent one. In about two years it was exterminated by disease and the determined hostility of the Indians.

**Fate and Character of La Salle.**—La Salle was killed by some of his own men in 1687. He was a man of inflexible purpose and indomitable energy: but he was haughty and overbearing.

**No Tribute to Him.**—Although the undoubted credit of the first white settlement in Texas belongs to La Salle, yet no tribute has ever been paid by our State to his memory.\*

**Leons Colony.**—The next white colonist to Texas, was Captain Alonzo De Leon.† In 1689 he, with about one

quired an accomplished education. He was intended for the church, but his restless disposition led him in another direction. He early evinced a desire to travel. In 1667 he came to Canada, and spent many years in exploring the St. Lawrence and other rivers, and in traveling among the great lakes. He acquired an intimate acquaintance with, and influence over the various Indian tribes with whom his travels brought him in contact.

In 1683 he made a voyage of exploration down the Mississippi River, and returned to France. In 1685, having obtained Royal Letters Patent, and provided with four vessels, he set sail to discover the mouth of the Mississippi, but drifting too far west, he landed in Texas, supposing Matagorda Bay to be the object of his search. After exploring the country, La Salle conceived the bold project of traversing the country northward, a distance of two thousand miles, to the Illinois River. Selecting a few of his friends, and leaving his colony in charge of his sub-officers, he started northward through the unexplored wilds of Texas, but on the 20th of March, 1687, he fell a victim to the treachery of his own men.

Dr. Sparks says of him (Am. Biography): "He was saturnine in temperament, reserved in his communications; he asked counsel of none. There was a certain hardness in his manners, a tone of lofty self-reliance, which, though it commanded the obedience of his followers, did not gain their good-will. On the other hand, his capacity for huge designs has few parallels. He has been called the Columbus of his age: and had his success been equal to his ability, this distinction might justly have been awarded to him. Cool and intrepid, never for a moment yielding to despair, he bore the burden of his calamities manfully, and his hopes expired only with his latest breath."

\* Since writing this, I have ascertained that a County of Texas, not yet organized, bears the name of La Salle.

† This Captain Alonzo de Leon has been by some writers ignorantly confounded with Captain Ponce de Leon, a famous discoverer, a century and a half previous to his time.

hundred souls, landed at the same point where La Salle had previously been. Here he built a Spanish mission and presidio called the Mission of San Francisco.

**Missions.**—A *mission* is the name given by the church to an establishment in a new country for the spread of religion; and a *presidio* is a fort connected with it for defence.

**Second Colony Abandoned.**—The continued attacks made by the Indians upon this second colony caused its abandonment in 1689.

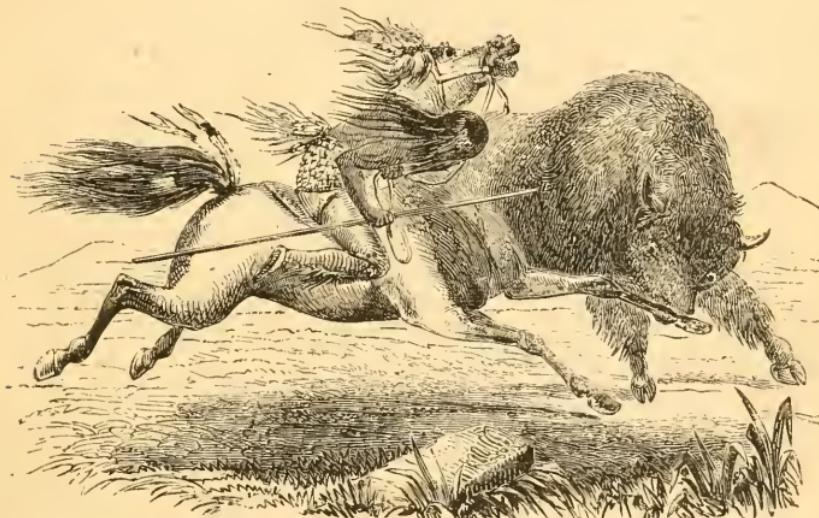
**Aborigines of Texas.**—The aborigines of Texas were many tribes of Indians. Among these may be named the Cenis, the Nassonites, the Carankawas,\* the Vidais, and others. These tribes have been exterminated by wars with each other, and the whites. Most of these Indians were from the first hostile to the whites. The Cenis and Nassonites were disposed to be friendly, but very soon became inimical. The two latter named tribes, and the Vidais became entirely extinct before the American colonization of Texas.

**More About the Indians.**—Much has from time to time been written in regard to the Indians of Texas, but comparatively little which the historian can rely upon. Out of the mass of contradictory matter which he has found referring to the aboriginal and migratory tribes found in this State, the author has concluded to attempt little more than

\* *The Carankawas.*—This tribe of Indians was from the first very hostile to the white colonists of Texas. They became nearly extinct as a tribe previous to 1835. From Pease's History of Texas I extract as follows: "In 1835 the remnant of this tribe, some fifteen or twenty of all ages (the greater part of them having gone North, and wintered with some other tribe, after they were subdued by Austin), were seen by the writer near the head of Matagorda Bay. They appeared to be preparing to celebrate some festival evidently connected with the superstition of their race, being descended from the Children of the Sun. They began at sunset a song addressed probably to the great luminary which had just departed, as they feared forever, and continued to sing without a moment's cessation until sunrise. Sometimes the voices of both sexes were heard at the same time, and at other times they were heard alternately. Sometimes a solo, and again all appeared to unite, accompanied with an instrument the well-known Indian drum."

to give a list of them and their estimated number in 1840. During the early days of the white occupation of Texas, as in most of the United States, the Indians were found jealous, suspicious and hostile; and their thievish and murderous propensities were continually manifesting themselves towards the colonists.

They have unquestionably often been treated in bad faith by the whites, but their restless nature, and warlike habits, have always rendered it well-nigh an impossibility to occupy the territory in harmony with them.



INDIAN HUNTING BUFFALO. *From Monteith's Manual of Geography.*

**Wild Indians.**—Wacos, 400 ; Tonkawas, 800 ; Toowakanes, 200 ; Coshattes, 350 ; Alabamas, 250 ; Comanches,\* 2,000 ; Caddos, 500 ; Lipans, 900 ; other bands, 800 ; all, 6,200.

\* The Comanches are rated entirely too low. They number even now at least three or four times this: and are the only numerous tribe of Indians remaining on the borders of Texas.—*Morfit's Report.*

**Indians Called Friendly.**—Cherokees, Chickasaws, Choctaws, Kickapoos, Pottawattamies, Delawares, Shawnees, all 8,000. Total, wild and friendly Indians, 14,200.

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QUESTIONS ON CHAPTER I.

Where originated the name Texas? What does it mean? What tribe of Indians gave the name? To what country did the first white discoverer of Texas belong? His name? When did he come? Where did he land? Did he build a fort? Its name? Was the colony permanent? Who killed La Salle? Has any monument been erected to him by Texas? Who was the second white colonist to Texas? What nationality? Where did he land? Was his colony permanent? Who were the aborigines of Texas? Give some account of them. How many wild Indians in 1840? How many friendly?

## CHAPTER II.

**Permanent Settlement.**—Although to France belongs the credit of the discovery of Texas, yet to Spain belongs that of its earliest permanent settlement.

**Spanish Missions.**—Between the years 1690 and 1720, the Spanish Catholics established many missions and fortresses, within its borders. Among the earliest of these missions may be named: the Mission of *San Francisco*, on the Lavaca river; *San Bernard*, on the bay lower down; *San Juan*, on the Rio Grande; *San Antonio*; *San Jose*; *San Pedro*; *Conception*; *Alamo*,\* the last five all at, and near the site of the present city of *San Antonio*; the missions at, and near Nacogdoches; the Mission of *Aes*, near the present town of San Augustine; *Dolores*, west of the Sabine; *San Saba*, and others.

**Original Name of Texas.**—Texas was originally called by the Spanish settlers, the *New Philippines*, and by this name it was known until about the year 1744.

**French Claim to Texas.**—For many years France claimed Texas as a part of Louisiana, and by virtue of the discovery of Lasalle; but she never enforced her claim with energy, and finally abandoned it altogether.

**More of the Missions.**—The Spanish missions in Texas, were built and occupied by Franciscan monks and friars, and by soldiers who were sent to defend them.

\* The Church of the Alamo was built in 1744, and was called the Mission of *San Antonio de Valero*, until 1783. [*Alamo* means a *poplar tree*.]

Their object was the aggrandizement of the Roman Catholic church, and the conversion of the native Indians.\*

In this latter object they failed. Some of the natives professed Christianity, and attached themselves to the missions; but they proved generally to be refractory and unreliable converts, and were often treacherous to the missionaries.

**Fate of the Missions.**—After many vicissitudes, the Spanish missions in Texas were, within a century from their establishment, one after another, abandoned; leaving throughout the state, many crumbling ruins of massive buildings, which sufficiently attest the self-sacrificing devotion and labor undergone by these Christian ambassadors from the Old World.

**Progress of Texas.**—The population of Texas increased very slowly under its Spanish rulers. Its white population in 1750 was not over fifteen hundred, and although in 1805 it is said to have reached five thousand, yet in 1820 it was probably not more than three thousand.

**How Governed.**—Previous to 1820 Texas was ruled by governors appointed by the Viceroy of Mexico, with the sanction of the King of Spain. After the independence of Mexico it became a dependency of that power.

**Massacre of Missionaries.**—In 1758 all the inhabitants of the Mission of San Saba were attacked and brutally murdered by the Indians, and this mission was not again occupied.†

\* The natives were called by the Spanish Catholics *Los Indios*. The converted Indians were called *Los Indios reducidos*.

+ San Saba massacre. "In 1752 there was discovered at San Saba a silver mine which drew to the fort quite an increase of population. It is probable that the bad behavior of the miners toward the Indians brought on the terrible massacre of 1758. At the time of its occurrence there was a fort surrounding an acre of ground, under a twelve foot stone wall, enclosing a church and other buildings."—*Holly's Texas*.

"In 1758 a tragic scene occurred at the San Saba Mission. The Indians, in large

**Texas and Coahuila.**—In the early part of the eighteenth century, and also from 1823 to 1835, Texas was united under one government with the neighboring Mexican state of Coahuila.

**Practically no Government.**—During part of this time a Deputy Governor resided in Texas, but for a great portion of the period above named the Governor of Coahuila and Texas resided at Satillo or Monclova, six hundred miles from the centre of Texas; and there being no superior courts nearer than those points, the province of Texas was virtually without law and government. A list of the Spanish and Mexican rulers of Texas will be found on page 64.

**France gives up Texas.**—In 1763 France, by treaty, formally ceded Louisiana to Spain, and thereby gave up her claims to Texas.

**Mexico Independent.**—In 1821 Mexico threw off the Spanish yoke, and Texas became a tributary of Mexico.

**Eastern Boundary.**—In 1819, by virtue of a treaty between Spain and the United States, the Sabine was made the eastern boundary of Texas.

numbers, assaulted the mission, took it, and killed all, both pastors and flock, including the small guard of soldiers. None were left to bear the news. This mission had been established far out on the frontier. We have seen its benevolent object. Such a return for such love, while it calls down blessings on the heads of the followers of the cross, is enough to make one doubt whether the Indian belongs to the human race."—*Toakum*, vol. i.

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#### QUESTIONS ON CHAPTER II.

To whom belongs the credit of first permanent settlement of Texas? When were the Spanish missions established? By whom? Name some of them and their location. What was Texas originally called by the Spanish? What was the object of the Spanish Missions? Did they finally succeed? Did Texas prosper under Spanish rule? How was Texas governed before 1820? How afterward? What massacre in 1758? With what Mexican State was Texas united, and how long? Was there a responsible government in Texas at this time? When did France formally give up Texas? When did Mexico become independent of Spain? When was the basin made the eastern boundary of Texas?

## CHAPTER III.

**1750 to 1800.**—During this period the history of Texas is not marked by any important event. The Spaniards tried to extend their colonies in the territory, and these efforts were well-nigh fruitless on account of the determined hostility of the savages.

**Number of Indians.**—It is impossible to give a correct statement of the number of Indians in Texas at this time. Yoakum says that in 1730 the various tribes in Texas could muster a force of at least ten thousand warriors. If this be the case there must have been fifty thousand Indians in and near Texas at this date.

**1800 to 1820.**—This period was signalized by a series of revolutionary expeditions to acquire possession of the territory, entered into by individuals from motives of personal ambition or lust of gain—all of which were in the end unsuccessful.

**Parties Engaged in these Projects.—Aaron Burr.\*** This man planned an expedition for the conquest of Mexico and Texas in 1806, and succeeded in enlisting

\* Aaron Burr was a native of New Jersey, born in 1756. In the 20th year of his age he enlisted in the American army of independence under General Washington. He was for a short time on Washington's staff, but was discharged from that position on account of immoral habits. In 1797 he was Attorney-General of New York. He was afterwards in the U. S. Senate, and in 1800 he was elected Vice-President of the United States. In 1801 he killed Alexander Hamilton in a duel which he forced upon him, and from the odium of this he never recovered. In 1807 he was apprehended and tried for a treasonable design against Mexico, and after a long trial was acquitted. He died in 1836.

several hundred adventurous spirits in his enterprise. He was arrested with his force while coming down the Mississippi River in January, 1807, and tried for a violation of the neutrality laws of the United States.

**Lieut. Augustus Magee**, Col. Kemper, Bernardo Gutierrez, and Col. Perry.—These adventurers conceived the plan of conquering Texas and establishing an independent government. Many terrible battles were fought between their forces and the soldiers of the Spanish Governor, between the years 1812 to 1815, with varying success, but finally the adventurers were defeated and most of their leaders slain. The most important of these battles were fought at and near the present City of San Antonio.

**Gen. J. A. Toledo**, a native of Cuba, next raised the standard of rebellion in Texas against the Spanish authority. He collected considerable forces, and made great preparations, but subsequently disagreeing with his coadjutors, he abandoned the enterprise in 1816, and swore allegiance to the King of Spain.

**Don Louis Avery**.—This man claimed authority by virtue of an appointment from Herera, Minister of the Mexican Republicans to the United States. He was declared Governor of Texas, and held his headquarters at Galveston. Associated with him were Zavier Mina, a fugitive from France, and others. In 1817, Avery with a naval, and Mina with a land force, left Galveston with the intention of invading Mexico. Mina was routed and killed, and Avery returning to Galveston, found that place in possession of the pirate Lafitte, who claimed to be Governor. Accordingly, Avery left Texas.

**Dr. James Long**, of Tennessee, next in 1819 raised an army for the occupation of Texas. He established a Provisional Government at Nacogdoches, called a council,

and issued a declaration setting forth that "Texas was and should be an independent Republic." But after many misfortunes he was captured and sent to Mexico, where, after being released in 1822, he was assassinated.



RUINS OF LAFITTE'S FORT.

**Lafitte.\***—Between the year 1817 and 1820, the celebrated freebooter of the Gulf held sway in Galveston. He built a town there which he called Campeachy. His authority was supreme over his subjects, and he lived in almost regal splendor. His establishment was finally broken up by

\* Jean Lafitte was a native of Bordeaux, France. At an early age he ran away from home and enlisted in a British ship of war. Deserting this soon after he went to South America. About 1806 he fitted out a privateer, in which he coasted in the West Indian seas, and in a few years, by his bold exploits he acquired great wealth, and by the singular attractiveness he possessed, gathered around him a most devoted band of followers. From 1811 to 1813 the headquarters of Lafitte were upon the island of Grand Terre, or, as it was afterwards called, Barritaria. This island is about sixty miles from the delta of the Mississippi. In 1813 Gov Claiborne of Louisiana, in order to break up the nest of pirates, offered a reward of five hundred dollars for the head of Lafitte, to which the Buccaneer replied by offering fifteen thousand dollars for the head of the Governor. A military force was now sent by the Governor to enforce his authority, but Lafitte and his forces captured the command, loaded them with presents, and sent them back. The aid of the United States Government was next invoked, and Commodore Patterson was dis-

the United States naval force in 1821, and he abandoned Texas forever.

**Little Inducement for Settlement.**—By this chapter it is made evident to the reader that in the first quarter of the nineteenth century, Texas was the sport of the ambitious and the prey of the avaricious : and held out little inducement for peaceful and industrious settlers to come to her.

patched with a fleet to break up the settlement. But the pirates burned their town and retreated, and the Commodore returned. Lafitte, with characteristic effrontery, next offered his services to the United States in the War of 1812-15, against England, on condition of his pardon. This was agreed to as the easiest way of getting rid of him, and the bold rover of the seas fought gallantly behind the breastworks at New Orleans. In 1817, Lafitte having returned to his old habits, established himself at Galveston, where his followers numbered at one time fully a thousand. He built a town here which he called Campeachy, and lived for years in royal style.\* His authority and influence were almost without limit. In 1819 he was appointed by the Mexican Republicans Governor of Galveston Island. In 1820 an American schooner was taken by one of his cruisers, and having been plundered was sunk. This was the signal for his ruin. In 1821 an expedition was sent under Capt. Kearney to break him up effectually. When this force arrived, Lafitte went out to meet the Captain, and inviting him and his officers to his house, he entertained them in a princely and magnificent manner, trying by the blandishments he knew so well how to use, to dissuade them from the object of their mission. Finding that the officer in command was inexorably resolved to do his duty, Lafitte immediately called his followers around him, and having paid them off he bade them farewell. Then with a few chosen followers, and in his favorite vessel, he abandoned Galveston forever. Lafitte continued for years after this to cruise against the Spanish commerce. He died in Yucatan in 1826.

\* A friend informs me that although possessed of abundant wealth, Lafitte lived in a plain and simple manner.

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#### QUESTIONS ON CHAPTER III.

What about Texas from 1750 to 1800? How many Indians in Texas at that time? What about Texas from 1800 to 1820? What about Aaron Burr? Lieut. Magee and others? General Toledo and others? Don Louis Avery and Zavier Mina? Dr. James Long? What celebrated freebooter occupied Galveston at this time? What do you know of him?

## CHAPTER IV.

**American Colonists.**—The first successful colonist from the United States to Texas was Stephen F. Austin. In 1820, Moses Austin, then of Missouri, received a grant of land in Texas from the Spanish authorities in Mexico for purposes of colonization. Moses Austin died in 1821, and bequeathed the grant to his son Stephen with instructions to carry out his plans.

**Revolution in Mexico.**—In 1821 the revolution in Mexico transferred the authority over Texas from the crown of Spain to the Central Government in Mexico. In 1822, Stephen F. Austin, having secured from the authorities in Mexico a confirmation of the grant to his father, introduced a large number of American colonists into Texas.

**Stephen F. Austin.**—This indomitable and good man, to whom Texas owes so much, was a native of Austinville, Virginia. At the age of eleven he went to Connecticut to pursue his academical studies. In 1808 he entered Transylvania University, Lexington, Ky., where he remained two years.

**Moves to Missouri.**—In 1813, having previously moved to Missouri, and at that time twenty years old, he was elected to the Legislature of that territory. To this position he was annually re-elected until 1819, when he removed to Arkansas. In 1821 having received a grant of land in Texas for colonization purposes, he introduced a large num-



STEPHEN AUSTIN.



ber of colonists from the United States and secured them comfortable homes.

**Austin's Colony.**—During all the years of his intercourse with his colony to which he was a protector and a father, he was beloved and respected. Honesty and fair dealing was the meed of praise accorded to him by all.

**His Character.**—Says his biographer, Hon. J. H. Bell : “Every child of every colonist was known to him, and was welcomed to play upon his knee.” When Austin entered Texas in 1821, there was but one settlement from the Sabine to San Antonio, and that was at Nacogdoches. The sound of the axe had never been heard from the Brazos to the Colorado. When Austin counselled peace the voice of anger was hushed throughout his colony ; when his voice was raised for war every rifle was taken down from its rest to do his bidding.

**Death of Austin.**—After devoting the best years of his life to the accomplishment of his darling scheme of establishing a permanent colony in Texas, he was stricken down with disease at Columbia, Brazoria County, and there died December 25, 1836, in the forty-fifth year of his age.

**Location of Austin's Colony.**—Austin's colony was first planted on the Brazos river. Here a town was located called San Felipe de Austin. This colony prospered notwithstanding the continued hostility of the savages, and the difficulties they labored under to obtain the necessary supplies.

**Edwards' Colony.**—Haydon Edwards, a gentleman from Kentucky, having received grants of land for colonization, introduced settlers into Eastern Texas at about the same time as did Austin ; but soon becoming involved in difficulties with the Mexicans within his territory, and

through them with the authorities, this colony was dispersed and Edwards left the State.

**Fredonian War.**—The arbitrary annulment by Gov. Blanco of the contract made with Col. Edwards, at the instigation of his enemies, gave rise to what is known as the Fredonian War. The colonists who were called Fredonians, enraged at the bad faith of the Government, to the number of three hundred organized themselves, and, fortified at Nacogdoches, determined with the coöperation of the Indians to make war upon Mexico. A large Mexican force soon approached, but the Indians proved faithless and went over to the enemy. The Fredonians then unsupported and confronted by superior numbers, retreated across the Sabine.

**Cohuila and Texas.**—In the latter part of 1823 Cohuila and Texas were united under a common government; Saucedo being Governor. But the people of Texas being chiefly Americans had no sympathy or interests in unison with their Mexican neighbors ; and from this time onward there was among them a strong and growing desire for a separate State organization.

**Blanco's Administration.**—In 1826 Don Victor Blanco became Governor of Texas. From this time up to 1830, the American population continued rapidly to increase, and at the latter date numbered about twenty thousand.

**Arbitrary Decree.**—In 1830, Bustamonte, Dictator of Mexico, jealous of the rapidly growing strength of the American population in Texas, issued a decree suspending all existing colony contracts, and forbidding any citizen of the United States from settling in Texas. This did not have the desired effect, and the tide of immigration continued to flow into the country.

**Outbreaks.**—In 1832 the colonists, in retaliation for various acts of oppression on the part of their Mexi-

can rulers, especially the imprisonment of several of their prominent citizens, and also sympathizing with the republican movement then progressing in Mexico against the tyrant Bustamento, took up arms and captured the garrisons at Anahuac and Velasco. At the latter place a fierce battle of eleven hours was fought, with heavy loss to the Mexicans.

**Battle of Nacogdoches.**—A few weeks later a force of Texans marched upon the garrison at Nacogdoches, and demanded its surrender, or that its commander, Col. Piedras should declare himself in favor of the republican movement in Mexico, and the Constitution of 1824. This being refused a fight ensued, in which eight Texans and 100 Mexicans were killed and wounded. The liberal party in Mexico under Santa Anna at this time came into power, and these outbreaks did not lead to a general war.

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#### QUESTIONS ON CHAPTER IV.

Who was the first successful American colonist to Texas? When did he come to Texas? When did Mexico become independent of Spain? Give some account of Austin. Where was Austin colony first located? What town was planted there? What other colonist came to Texas soon after? Was his colony permanent? Why? With what State was Texas united in one government? When? Who was Governor of Coahuila and Texas in 1824? Who was Governor of Texas in 1826? What was the American population in 1830? What decree was issued in 1830? By whom? What outbreaks took place in 1832? Did they lead to war with Mexico? Why?

## CHAPTER V.

**Council of 1833.**—In 1833 the citizens of Texas driven by the great and growing exigencies of their situation to desire a separate government from the State of Co-huila, held a council at San Felipe, of which William H. Wharton\* was chosen President. This council was composed of able men, among whom were : Branch T. Archer, David G. Burnet, Stephen F. Austin, Sam Houston and J. B. Miller.†

**A Memorial.‡**—A Constitution was adopted for the

\* William H. Wharton was a native of Tennessee. Came to Texas in 1829, returned and came again in 1831; was a member of the Convention of 1833, and also of the Consultation of 1835; was one of the three commissioners appointed by that Consultation to the United States. He was a member of the first Senate of the Republic, was first Minister to the United States; after his return he was again elected Senator, which position he held at the time of his death in 1839.

John A. Wharton, a brother of the former was one of the most gallant of the early defenders of Texas. He came to Texas in 1829 and died in 1838. He was Adjutant General of the Texan army: and was a member of the House in the first and second Congress.

† Dr. J. B. Miller, a native of Kentucky, came to Texas in the fall or winter of 1829. He soon after associated himself with Dr. R. Peebley, at San Felipe de Austin, where he continued to reside and practice his profession, until 1834, when he engaged in the mercantile business with A. Somerville. In the winter of 1834 he was appointed Political Chief of the Department of Brazos. In 1835, when the black cloud of war was about to burst upon Texas, he at first favored conciliatory measures. As soon, however, as he became satisfied that Texas had to choose between resistance or submission to the worst of tyrannies, he joined the party who had determined to defend their rights, and gave the war his hearty support. He was appointed by President Houston, Secretary of Treasury; subsequently, after annexation, he became a candidate for the office of Governor, and though not elected, received a large vote.

‡ This memorial, which was an ably written paper, set forth that the laws under which the people of Texas lived were in an unknown language; that the officers and courts of appeal were six hundred miles distant at Monclova; that months, even years might elapse before a hearing could be obtained; that Coahuila and Texae

State of Texas, and a memorial and petition were drawn up, setting forth the wants and grievances of the people and praying the Central Government for a separate State organization.

**Commissioners to Mexico.**—Stephen F. Austin, W. H. Wharton and J. B. Miller were elected by the Convention Commissioners to bear the petition and memorial to Mexico, and obtain the relief desired.

**Detention of Austin.**—Austin was the only one of the Commission who went to Mexico. It was an inopportune time. The throes of revolution were convulsing that nation, and amid their own commotions, the Congress of Mexico was little disposed to listen to the agent of Texas. He was put off from time to time with promises which were not fulfilled.

**Imprisonment of Austin.**—Almost hopeless of accomplishing the object of his mission, yet unwilling to return without trying every expedient, Austin remained and wrote a letter to the municipalities of Texas, advising them not to wait, but to proceed to organize a State Government. This letter was intercepted, and Austin was thrown into prison, where he remained many months.

**First Courts in Texas.\***—In 1834 the Central Power of Coahuila passed a decree making Texas a judicial district, establishing trial by jury, and appointing Thomas J. Chambers† Judge.

were dissimilar in soil, climate and productions; in interests and in population; that laws adapted to the interests of Coahuila might be injurious to Texas; that protection from the Indians was of paramount importance to Texas, and that the intervening wilderness was an insurmountable barrier in the way of her receiving protection from Coahuila; and that as an independent State Texas would be able to take care of her own interests.

\* Previous to this time the only legal tribunals in Texas had been Alcalde's courts. This was a court of limited jurisdiction, but having more extended authority than our magistrates' court.

† Thomas J. Chambers was a native of Virginia. He was a lawyer by profession

**Committees of Safety.**—Early in 1835 the people of Texas having become satisfied that prompt action could alone protect their interests, held primary meetings at Bastrop and other places, and appointed committees of safety, and adopted resolutions in favor of setting up a separate State government.

**War Impending.**—The clouds of war now gathered dark and threatening. The hostility which for years had been growing between the young colonies and their oppressors, was about to culminate.

**Santa Anna,** the Dictator of Mexico, incensed at having his authority set at defiance, sent large bodies of troops into Texas with instructions to quell the revolutionary spirit which was openly showing itself.

**The Lexington of Texas.**—On the 2d day of October, 1835, the opening battle of the Texas revolution was fought at Gonzales. The Texans numbering 160 under Col. Moore, attacked the enemy, who in greatly superior numbers were strongly posted on an eminence and under command of Gen. Castonado. After a short and decisive engagement the Mexicans precipitately fled to San Antonio, leaving many dead and wounded.

**The War Begun.**—With the action at Gonzales the war was fairly begun, and the people of Texas as one man determined to drive the foe from their soil.

**Austin Returns.**—A month previous to this, Austin had returned from Mexico, and by his inspiriting presence,

and emigrated to Mexico, and to Texas at an early day. He was licensed to practice in the Mexican courts. He was appointed Surveyor-General of Coahuila and Texas; and afterward, in 1834, Superior Judge of the District of Texas. In 1836, by authority of the Provisional Government, he went to Kentucky and raised for the service of Texas a division of men. General Chambers was a gentleman of quiet deportment, and easy and dignified manners. He was largely engaged in land matters, and was well and prominently known in Texas until his death, which occurred in 1863.

and wise counsels, did much to harmonize the feelings and direct the energy of the people.

**Affair at Goliad**—On the 8th day of October, 1835, the fort at Goliad was attacked and captured, after a short resistance, by a force of Texans under command of Capt. Collingsworth.

**Consultation at San Felipe.**—The war thus begun was prosecuted with energy. During the month of October delegates were elected to a general consultation, to assemble at San Felipe in November, for the purpose of framing a provisional government.

**Battle of Conception.\***—On the 27th of October a detachment of Texans under command of Captains Fannin and Bowie, made an exploration along the San Antonio river with a view of selecting an eligible camping-place for the main army. They selected a beautiful spot in the bend of the river, and near the old Mission of Conception. Here they encamped for the night.

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#### QUESTIONS ON CHAPTER V

What did the people of Texas do in 1836? What was the object? Who was President of the Council? What did the Council do? Who did they send to Mexico? Who went? Did he succeed in his mission? What happened to Austin in Mexico? When were the first courts established in Texas? Who was first judge? What did the people do in 1835? What did Santa Anna do? Where was the first action of the war? When? When did Austin return from Mexico? When was the battle of Goliad? When was the election for the consultation at San Felipe? When did the command of Fannin and Bowie make an examination of the San Antonio river?

\* Spanish word *Concepcion*.

## CHAPTER VI.

**Battle of Conception.**—(*Continued.*)—On the morning of the 28th October the Texans awoke to find themselves surrounded by a large body of Mexicanis, who had planted a battery of artillery upon a neighboring hill. A fire was at once opened upon the little band, and under its protection the Mexican cavalry made a furious charge. But the deadly rifles of the Texans poured a destructive fire upon the proudly advancing host and they fled. Three times was this attack repeated with the same result ; and then the shout was heard, “Charge the cannon !” Then the brave Texans with resistless intrepidity dashed up the hill and, capturing the field-pieces, they turned them upon the panic-stricken foe. The rout was complete, and the Mexicans left one hundred dead upon the hard-contested field.

**The Consultation Meets.**—The delegates to the General Consultation met at San Felipe on the 3d day of November 1835. They organized by electing Branch T. Archer\* President of the body, and P. B. Dexter, Seeretary.

**An Executive Council.**—By this consultation, a General Council was established consisting of one member from each municipality. This body was invested with general

\* Dr. Branch T. Archer was a native of Virginia. He came to Texas in 1831, and applied himself to the practice of his profession—that of medicine. In 1835, Dr. Archer attended all the meetings of the people and urged a separation from the Mexican government. In November he was chosen President of the Consultation at San Felipe, and by that body was also chosen one of the Commissioners to the United States to procure aid for Texas during the days of her struggle for independence. He was an earnest advocate for annexation to the United States. He died deeply regretted in 1856.

governmental powers. The Lieut. Governor was its presiding officer; and after the resignation of P. B. Dexter, E. M. Pease was chosen its permanent Secretary. This Council continued in session, and exercised a general supervision over the affairs of Texas, until the month of March, 1836, when it was superseded by the government established by the convention at Washington.

**Provisional Government.**—On the 7th of November a Provisional Government was established. Henry Smith\* being elected Governor, and James W. Robinson Lieut. Governor.

**Other Officers.**—Sam Houston was also by the Consultation elected Commander-in-Chief of the Army of the Republic, and Stephen F. Austin, Branch T. Archer, and W. H. Wharton were elected Commissioners to represent the wants of the Government in the United States, and solicit aid and countenance in carrying on the war.

**Declaration.**—A declaration was also adopted by the Consultation, which is here given to show the spirit which animated the assembly.

*Preamble :—*“Whereas, Gen. Antonio Lopez de Santa Anna and other military chieftains, have by force of arms overthrown the federal institutions of Mexico, and have dissolved the social compact which existed between Texas and other members of the Mexican Confederacy: Now the good people of Texas availing themselves of their natural rights,  
DO SOLEMNLY DECLARE:

“*First*—That they have taken up arms in defence of their

\* Henry Smith was a native of Kentucky. He emigrated to Missouri and thence to Texas. He was first Political Chief of the Department of the Brazos; and first Secretary of Treasury of the Republic of Texas. He was elected Provisional Governor of Texas in November 1835. After annexation he removed to California, where he died in 1853. He was a man of agreeable manners, well informed, and having fine social qualities.

rights and liberties, which are threatened by the encroachments of military despots; and in defence of the Republican principles of the Federal Constitution of Mexico of 1824.

“*Second*—That Texas is no longer morally or civilly bound by the compact of union, yet, stimulated by the generosity and sympathy common to a free people, they offer their support and assistance to such members of the Mexican Confederacy as will take up arms against military despotism.

“*Third*—They do not acknowledge that the present authorities of the nominal Mexican Republic have the right to govern within the limits of Texas.

“*Fourth*—They will not cease to carry on war against the said authorities while their troops are within the limits of Texas.

“*Fifth*—They hold it to be their right during the disorganization of the Federal system, and the reign of despotism, to withdraw from the Union, and establish an independent government, or adopt such measures as they may deem best calculated to protect their rights and liberties; but they will continue faithful to the Mexican Government so long as that nation is governed by the Constitution and laws that were formed for the government of the Political Association.

“*Sixth*—That Texas is responsible for the expense of her armies now in the field.

“*Seventh*—That the public faith of Texas is pledged for the payment of all debts contracted by her agents.”

“*Eighth*—That she will reward by donations in land all who volunteer their services in her present struggle, and secure them as citizens.

“*Ninth*—These declarations we solemnly avow to the

world, and call God to witness their truth and sincerity ; and we invoke defeat and disgrace upon our heads should we prove guilty of duplicity."

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#### QUESTIONS ON CHAPTER VI.

When was the battle of Conception fought ? Tell about it. When did the consultation meet ? Who was President ? What else did the consultation do ? When was the provisional government organized ? Who was Governor ? Lieut. Governor ? Commander-in-Chief ? Commissioners to U. S ? What else was done ? What does the preamble set forth ? What does section first say ? Second ? Third ? Fourth ? Fifth ? Sixth ? Seventh ? Eighth ? Ninth ?

## CHAPTER VII.

**Volunteers for Texas.**—The condition of affairs in Texas was now beginning to excite the interest of the outside world, and volunteers from Louisiana, Mississippi, Georgia, and other Southern States, as well as immigrants from other parts of the Union, came to her assistance, or to seek a home within her borders.

**Gen. Sam Houston.**—As stated in the last chapter, this distinguished man was placed in chief command of the armies of Texas. A brief notice of his life, interwoven as it is with the history of our State, will here be appropriate.\*

**His Birth and Early Life.**—Sam Houston was born in Virginia, and reared among the mountains of Tennessee. He entered the army at an early age and fought with distinguished valor at the battle of the Horseshoe, where he was wounded.

**Indian Agent.**—While quite young he was appointed Indian Agent for the Cherokees, which position he held for some time, and won the confidence of that tribe.

**Other Offices.**—He afterward studied law, and was successively elected Attorney-General of Tennessee, and Major-General of the State militia. He was next elected to Congress from the Nashville district, and in a year or two became Governor of Tennessee.

**Resigns.**—In a few months, for private reasons, General Houston resigned the executive office of Tennessee, and vol-

\* See Frontispiece.

untarily went to live among the Cherokee Indians, among whom he had many friends, and wielded great influence.

**Comes to Texas.**—In 1833, at the solicitation of his friends, he came to Texas, where his talents and executive ability soon placed him in a prominent position. His subsequent career will be developed in the succeeding pages of this book.

**Privations.**—The early settlers of Texas suffered great privations. Game was abundant, but breadstuffs were at first very hard to obtain. Clothing was almost beyond the reach of the founders of Austin's colony. The usual clothing of the men and boys was buckskin, and this was also worn by women and girls, unless a strolling peddler happened along with calico, which was sold at an enormous price.

**Grass Fight.**—After the affair at Concepcion, on the 28th of October, no fighting of consequence took place until the 26th day of the next month. General Cos was at this time intrenched in San Antonio awaiting reinforcements. On the day above mentioned, Deaf Smith, who was constantly on the alert, discovered a party of Mexican cavalry who had been detailed to cut grass for their horses. Col. James Bowie, with a detachment of about one hundred Texans, immediately "took horse" in order to cut off the foraging party. This they partially succeeded in doing, when a large force of the enemy appeared coming to their relief. A sharp conflict ensued which resulted in the Mexicans being driven into their intrenchments in the town with a loss of fifty killed and several wounded.

**Battle of Antonio.**—The next battle in the war for the independence of Texas occurred at San Antonio. This place was occupied at the time by a force of Mexicans numbering

twelve hundred and fifty men under command of General Cos. The Texans were eight hundred under Gen. Ed. Burleson.\*

**San Antonio Taken.**—On the 5th day of December, 1835, the Texans in two divisions under command of Col. F. W. Johnson† and Benj. R. Milam, made a series of vigorous assaults upon the town. These attacks were repeated with increased success until the 10th of December, when they obtained entire possession of the city, and Gen. Cos surrendered with eleven hundred of his troops, the remainder having been either killed or wounded.

**Death of Milam.**‡—In this affair the heroic Benjamin

\* Edward Burleson was born in North Carolina in 1798. In 1815 he moved to Virginia. In 1824 he moved to Tennessee. In 1831 he came to Texas and settled near San Felipe. When the Texan revolution broke out, Gen. Burleson was made second in command to Stephen F. Austin. He was in command when the gallant Johnson and Milam assaulted and took the city of San Antonio, and the Mexican army under Gen. Cos. After the war he was appointed Brig.-General of State troops. From 1838 to 1841 he was unremitting in his exertions to protect the frontier from Mexican and Indian depredations. Under his command the Cherokees were expelled from Texas. In 1841, Gen. Burleson was elected Vice-President of Texas. In 1842 he was again in the field to repel the invasions of Vasquez and Woll. During the Mexican War with the United States, Burleson enlisted as a private soldier and fought at Monterey and other hard-contested fights. Afterward he was elected to the State Senate, and while in that position he died at Ansttin in 1851.

† He commanded the first regiment of volunteers at San Jacinto.

F. W. Johnson was born October, 1799, in Virginia. Came to Texas in 1824, engaged in land surveying until 1831. Was then elected Alcalde of the jurisdiction of Austin. In 1832 he led an expedition against the Mexican post of Anahuac. Same year was appointed Surveyor-General of Austin colony. In 1833 volunteered in the army, and was appointed Adjutant and Inspector-General by Generals Austin and Burleson. In December 1835 he led one of the columns which so gallantly stormed and took the post and city of San Antonio de Bexar. In 1836, he made raid through the country between the Nueces river and the Rio Grande, but was surprised and most of his command lost. After the war, Col. Johnson was mostly occupied in land matters for several years. He is now, and has been for several years, collecting and compiling notes in reference to the history of Texas. He is now in Austin, Texas.

‡ Benj. R. Milam was a native of Kentucky. Born in 1791. He came to Texas in 1816. He afterward went to Mexico, where he espoused the republican cause, and experienced many hardships. At the breaking out of the revolution he returned to Texas. He took an active part in the battle at Goliad. He led one of the divisions at the storming of San Antonio, and was killed Dec. 10th, 1835.

The following incident in the life of Col. Milam will be read with interest. It has been published but twice, I believe; first in the New Orleans *Bulletin*, at the

R. Milam while leading his men in the thickest of the fight, was instantly killed by a rifle ball through the head.

time it occurred, and again in Pease's History of Texas, from which I extract it: "While in Mexico, Col. Milam was imprisoned at Monterey. His winning manners soon made him a favorite with the jailer, who allowed him occasionally a walk to the river to bathe. He profited by the indulgence, and made arrangements with a friend to have a fleet horse for him at the appointed place. The Colonel passed the sentinel as he was wont, to go to the water, walked quietly on, mounted and fled." A few days, hard riding brought him to Texas. When he reached there, he found the war for independence begun. With a few choice spirits it was determined to attack the fort at Goliad or La Bahia, then in the hands of the Mexicans. The account of the attack is thus given: "Their axes hewed down the door where the Colonel commanding slept, and he was taken prisoner in his bed. A sentinel fired. A rifle ball laid him dead on the spot. The discharge of fire-arms, and the shout of voices now became commingled. The Mexican soldiers fired from their quarters, and the blaze of their guns served as a target for the colonists. The garrison were summoned to surrender. They asked for terms. The reply was: 'No terms—come out and surrender, and come quick, or you will be killed every one of you. I cannot keep the men back much longer.' 'Oh,' shouted the Mexicans, 'keep the men back, for God's sake, we will come out at once.' And they rushed out with all possible speed, and laid down their arms. Thus by a handful of men, was the fortress of Goliad taken, a fort which with a garrison of 350 men in the war of 1812-13, had withstood a siege of more than 2,000 Spanish troops, and forced them to retire discomfited." The colonists in this affair were led by Capt. Collingsworth, assisted by Col. Milam. Of the garrison, three were killed and seven wounded, and many prisoners taken. Of the Texans, one was slightly wounded.

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#### QUESTIONS ON CHAPTER VII.

From what State did volunteers come to Texas? Who was in chief command of the Texas army? Give some account of his life. When did he come to Texas? What privations did the early settlers undergo? Tell about the Grass fight. What was the next battle of the war? Who commanded the Mexicans? Who the Texans? How did the fight result? What noted Texan was killed? How?

## CHAPTER VIII.

**Decisive Measures.**—Santa Anna, the Dictator of Mexico, now resolved to crush out the rebellion in Texas by one decisive campaign. Accordingly, in January 1836, he equipped an army of 7,500 men, and placing himself at their head, he marched to San Antonio.

**The Alamo.**—The whole Texan force at this post at the time was 170 men commanded by Col. W. B. Travis.\* On the arrival of Santa Anna's army, this little company of patriots threw themselves within the ancient fortress of the Alamo, and prepared to sustain a siege. The fort was at once surrounded by the whole Mexican army, and the garrison summoned to surrender. This being refused, a furious bombardment at once commenced, which continued almost without intermission from the 25th of February until the 6th of March.†

\* William B. Travis was a native of Georgia. He came to Texas in 1830, and established himself in the practice of law, first in the town of Liberty, afterward in San Felipe. He was one of the first who enlisted in the army for her independence. He commanded the garrison at the storming of the Alamo, and was killed after a defence unparalleled for heroism, March 6, 1836. A monument commemorative of the defenders of the Alamo stands in the rotunda of the Capitol at Austin.

† On the 24th of February Col. Travis issued this stirring appeal which was sent by a trusty messenger through the Mexican lines.

COMMANDANCY OF THE ALAMO,  
BEXAR, Feb. 24, 1836.

*To the people of Texas and all Americans in the world—Fellow citizens and compatriots:* I am besieged by a thousand or more Mexicans under Santa Anna. I have sustained a continual bombardment and cannonade for twenty-four hours, and have not yet lost a man. The enemy have demanded a "surrender at discretion, other-

**The Final Assault.**—On the morning of the day last mentioned, a consultation of the Mexican officers was held, at which Santa Anna declared that the Alamo must be carried by storm at once, and at whatever cost.



SIEGE OF THE ALAMO.

**Dreadful Encounter.**—The particulars of that terrible struggle can never be known. It is enough to say that the deeds of individual valor performed by that heroic band, already exhausted from incessant toils, watchfulness, and privations, have never been excelled. Many times did

wise the garrison is to be put to the sword if the fort is taken." I have answered the summons with cannon shot, and our flag still waves proudly from the walls. *I shall never surrender or retreat.*

Then I call upon you in the name of liberty, patriotism, and everything dear to the American character, to come to our aid with dispatch. The enemy are receiving reinforcements daily, and will doubtless in a few days, increase to three or four thousand. Though this call may be neglected, I am determined to sustain myself as long as possible, and die like a soldier who never forgets what is due to his own honor and that of his country. *Victory or death!* W. BARRETT TRAVIS,

Lieutenant-Colonel Commanding.

the enemy in large numbers scale the walls by means of ladders, and as often were they hurled back with dreadful slaughter. How terribly they fought is attested by the fact that during the siege and final assault, more than 1500 Mexicans were killed and wounded, nearly ten to every one of the Texan patriots.

**Result.**—The defenders of the Alamo were vanquished; the little company of 170 men were overwhelmed by the 4,000 who were opposed to them. Every one of the heroes who fought in this battle for the “*Lone Star*,”\* was put to the sword. Not one found within the walls of the fort was spared save a woman,† a child, and a negro servant.

**Republic of Texas.**—On the 2d day of March, 1836, a Convention‡ of the people of Texas assembled at Washington on the Brazos, and unanimously adopted a Declaration of Independence.§ On the 17th day of the same month, the Convention adopted a Constitution for the Republic of Texas.

**Government ad Interim.**—The Convention also established an “Executive Government ad interim, with plenary powers; and elected David G. Burnet,|| President;

\* The flag of Texas, and now its emblem.

† Mrs. Dickinson and her child, and a negro servant of Col. Travis. Mrs. Dickinson, now Mrs. Hannig, lives in Austin, Texas.

‡ Of this Convention Richard Ellis was President, and H. S. Kimball, Secretary.

§ See end of Period Second for this Declaration.

|| David G. Burnet was a native of New Jersey. He was educated for the law. For many years he resided in Ohio, whence he moved to Texas in 1835. He went back to the Northern States, and in 1831, having married in New York, he returned to Texas. In 1833 he was elected to the convention at San Felipe, in which he was looked up to as a leading spirit. In 1834 he was appointed judge of the municipality of Austin. In 1836 he was elected President ad interim of the Republic. In 1839 he was elected Vice-President of Texas. After retiring from this office, he resided for many years at his farm near the San Jacinto. In 1866 he was elected by the Legislature of Texas a Senator to the U. S. Congress, in connection with Hon. O. M. Roberts; but under the reconstruction acts, was not admitted to his seat. He died at his home in 1870. He was a man of finely cultivated mind, a ready writer, and eloquent and fluent speaker.

and Lorenzo De Zavalla,\* Vice-President; Samuel P. Carson, Secretary of State; Bailey Hardman, Secretary of the Treasury; Thomas J. Rusk, Secretary of War; Robert Potter, Secretary of the Navy; and David Thomas, Attorney-General. General Sam Houston was also re-appointed Commander-in-Chief of the armies of Texas.

**The Young Republic** was born amid scenes of terror, and was baptized in blood.

**Slaughter at Goliad.**—Close upon the dreadful massacre at the Alamo came another disaster equally appalling. Col. J. W. Fannin† was stationed at Goliad with a garrison of five hundred men. From this place he was ordered by Gen. Houston to fall back to Victoria. This order was not obeyed with a promptness which might have saved the garrison. Encouraged by the success at San Antonio, a division of the Mexican army pressed rapidly onward.

**King's and Ward's Fights.**‡—On the 11th day of March Col. Fannin hearing that the enemy were marching upon Refugio, sent Capt. King with twenty-eight men to cover the retreat of the American citizens of that place. This company fell in with a large body of Mexicans and were attacked by them. After a sharp conflict they took refuge in the old Mission of Refugio, where they sustained themselves against the whole force of the Mexicans for three

\* Lorenzo De Zavalla was a native of Yucatan. While quite young he was elected to represent his State in the Cortes of Spain. He was afterwards a member of the Mexican Congress, and Governor of Mexico. He was next Mexican Minister to France. After the overthrow of the Republic in Mexico he came to Texas, where he took an active part in the struggle for liberty. He was Vice-President of the Republic of Texas in 1836. He died shortly after that time.

† J. W. Fannin was a native of North Carolina. He came to Texas and took an active part in the stirring scenes of 1835 and 6. He was appointed by the Provisional Government, in January, 1836, as agent to raise troops and money for the Republic. He was killed, in violation of the terms of surrender, on the 27th day of March, 1836, at Goliad, Texas.

‡ This account differs slightly from that given in Yoakim's history, but is obtained from an equally reliable source.

days. Meantime, hearing of Capt. King's situation, Col. Fannin, on the 12th, despatched Col. Ward with one hundred men to his rescue. They reached Refugio on the night of the 13th, and joined the party in the fort. Next day, King's company was sent out to reconnoitre, and were overpowered and captured by the Mexicans, and in six hours were all shot, and left on the prairie a feast for vultures. Col. Ward's command attempted to return to Goliad, but found themselves intercepted by Gen. Urrea's army, numbering twelve hundred men. A bloody battle ensued, resulting in heavy loss to the enemy : after which Col. Ward retreated towards Victoria, but was cut off and captured. These brave men suffered death at Goliad with the rest of Fannin's command.

**Fannin Surrounded.**—On the 19th of March, Fannin's command, hearing nothing from King or Ward, attempted to retreat, but after a series of engagements, found themselves surrounded by a vastly superior force, and almost without supplies and ammunition. Notwithstanding these disadvantages, a desperate battle was fought near the Coleta, eight miles from Goliad, in which the Mexican loss was between 300 and 500 men. Of the Texans seven were killed and sixty wounded.

**The Texans Surrender.**—Next day (19th March) the enemy, 1,900 strong, under Gen. Urrea, were displayed in line, and the Texans were summoned to surrender. Satisfied of the hopelessness of prolonging the unequal combat, Col. Fannin met the Mexican General, and agreed to a capitulation\* on condition that his men should be honorably

\* The following are the terms of Fannin's capitulation:

"First.—That the Texans shall be treated as prisoners of war according to the usages of civilized nations.

treated as prisoners of war until exchanged. Thus on the 20th day of March the garrison at Goliad, consisting of 445 men, laid down their arms.

**Perfidy of Santa Anna.**—The treachery of their captors was soon evident. By order of Santa Anna the conditions of the surrender were totally disregarded, and on Sunday, March 27th, 1836, the prisoners were all marched out and deliberately shot.†

“*Second*—That private property shall be respected and restored, but the side arms of the officers shall be given up.

“*Third*—The men shall be sent to Copan, and thence in eight days to the United States, or as soon as vessels can be procured to take them.

“*Fourth*—The officers shall be paroled and return to the United States in like manner.”

† A few of these brave men made their escape by bursting away from the guards at the moment when they were fired upon, thus rushing as it were from the “jaws of death.” Not more than twenty-seven of the whole number, however, survived that dreadful day. The following account is given by one of the survivors: “On Sunday, the 27th of March, the prisoners were all marched out of the fort, and counted off into four equal companies. Each of these companies was given in charge of a strong guard, and by it were ordered to form in double-file and march. We knew not what was coming, but suspected treachery. We were marched about half a mile from the fort, when we were halted, and faced about, when the guard instantly commenced firing upon us. We heard the firing upon the other columns about the same time. Nearly all the prisoners were killed. A very few escaped (myself among the number) by flying while the bullets whistled around our heads.”

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#### QUESTIONS ON CHAPTER VII.

What did Santa Anna resolve upon? Did he accompany the expedition? What fort at San Antonio was occupied at this time by the Texans? How many men? Under whose command? When was the Alamo taken? How many Mexicans fell? How many Texans? Who were spared? When did the convention meet at Washington? When did they adopt a declaration of independence? When a constitution? Who did they elect Governor? And Lieut. Governor? What disaster came next? Whose commands were captured? Tell about it? What were the terms of Fannin's surrender?

## CHAPTER IX.

**Effect of Reverses.**—The disasters at the Alamo and Goliad, after the first panic had passed by, had the effect to crystallize the spirit of opposition to the tyrant of Mexico and his myrmidons.

**Houston's Decision.**—Feeling the responsibility devolving upon him, Gen. Houston paraded the army under his command, and addressed them as follows :

**The Address.**—“*Fellow Soldiers* : The only army in Texas is now present. Travis has fallen with his men at the Alamo ; Fannin’s troops have been massacred at La Bahia. There are none to aid us. There is here but a small force, and yet it is all that Texas has. We might cross the river and attack the enemy. We might be victorious—but we might be overcome. There are but few of us, and if we fall, the fate of Texas is sealed. For this reason, and until I feel able to meet the enemy in battle, I shall retreat.”

**The Retreat.**—Having thus addressed his army, now numbering between 600 and 700 men, the Commander gave orders to fall back. Accordingly the Texans retired to the Brazos, and in a few days afterward to a point near the San Jacinto river.

**The Design.**—The object of this movement was to concentrate all the available force in Texas in one army, and also to draw the enemy as far away from his base of supplies as possible.

**Santa Anna Follows.**—Without hesitation, Santa Anna, with the flower of his army, pursued the Texans, confident of easy victory.

**In Line of Battle.**—On the morning of the 19th of April, the Texan army crossed over and marched down the right bank of Buffalo Bayou, to within half a mile of its junction with the San Jacinto river. Here they formed in line of battle in the edge of a grove of trees, their rear protected by the timber, while before them was the open prairie.

**The Twin Sisters.**—A few days before this, the army of the young Republic had received two pieces of artillery as a gift from some of the citizens of Cincinnati, Ohio. These were named the "Twin Sisters," and were placed in position.

**Skirmishing.**—On the morning of the 20th of April, and soon after the Texan General had disposed his forces, Santa Anna came marching up in battle array. A volley from the "Twin Sisters" brought him to a sudden halt, and falling back to a moat of timber a quarter of a mile distant, he formed in line of battle. During the day several skirmishes took place which resulted to the advantage of the Texans.

**Battle of San Jacinto.**—The 21st of April dawned bright and beautiful. It was felt by those who were to participate in its stirring scenes, to be the day upon which the conflict for Texas was to be decided. On this side were arranged the whole available army of Texas, numbering 750 men.\* On that were the best troops of Mexico, to the number of 1,800, and commanded by an able and wily General. The men of Texas were aware that everything for them depended upon the issue of the fight, and every heart was

\* See Gen. Rusk's Report.

beating quick, and every nerve well strung. The men of Mexico were flushed with pride at recent successes, and felt secure of the result.

Early in the morning General Houston sent Deaf Smith\* the celebrated spy, with two or three men, to destroy the bridge across the Bayou over which the Mexican army had passed, thus cutting off their only available avenue of escape. This daring exploit was successfully executed almost in the presence of the foe. It was now determined to attack Santa Anna in his entrenchments. With the stillness of death the patriot army moved in three divisions to the charge. No music heralded the advance. No sound but the quick tread of determined men broke the silence. When within two hundred yards they received the volley of the enemy's advanced column without quailing, and then increased their pace to a "double-quick."

When within seventy yards, the word "FIRE!" was given, and six hundred Texas rifles belched forth their deadly contents. Then the shout "Alamo!" and "Goliad!" rang along the entire line, and they rushed forward to a hand-to-hand encounter. But Mexican valor had already given way before the impetuosity of that charge, and in a few minutes the boastful legions of the "Napoleon of the West" were in full retreat. The rout soon became general. Finding the bridge destroyed, the Mexicans plunged into the Bayou, where many were drowned or slain by the pursuers. Seven hundred dead Mexicans atoned upon that

\* Deaf or Erastus Smith was born in New York in 1787. Went to Mississippi in 1798. Came to Texas in 1817, and having returned home came again to Texas in 1821. Being hard of hearing, he became silent and fond of solitude. He was a most efficient and indefatigable observer of the movements of the Mexican army during the war, and his perfect knowledge of the country, and astonishing coolness and bravery made him an invaluable scout for the patriot army. He married a Mexican lady in San Antonio, by whom he had several children. He died at Fort Bend in 1839.

day for the butchery at the Alamo and Goliad; and seven hundred and thirty prisoners were in the hands of the victorious army.



SANTA ANNA.

**Santa Anna Captured.**—Santa Anna in vain tried to escape. He was discovered on the morning of the 22d, hiding in the long grass, with a blanket thrown over his head, and was taken to the quarters of Gen. Houston.

## QUESTIONS ON CHAPTER IX.

What effect did reverses have on the people? What did Houston determine to do? When did the army retreat? What was the object? Did Santa Anna follow? Where did the Texans take position? What were the "twin sisters?" Who gave them to Texas? When was the battle of San Jacinto fought? Where is the San Jacinto river? Where is Buffalo Bayou? Tell about the battle. How many Mexicans were killed? How many wounded and prisoners? How was Santa Anna captured?

## CHAPTER X.

**Gen. Houston Wounded.**—In this battle General Houston suffered a severe wound in the ankle, from which he never entirely recovered.

**Interview with Santa Anna.**—At the time Santa Anna was brought before him, Houston was lying on a mattress under a tree which constituted his headquarters. The President of Mexico, bowing low before him, said : “I am General Antonio Lopez De Santa Anna, a prisoner of war at your disposal.” General Houston requested him to sit down, which he did, at the same time asking for opium. A piece of this drug was brought him, which he eagerly swallowed. He then at once proposed to purchase his freedom, but was answered : “that was a matter to be negotiated with the Government of Texas.” He however persisted, saying to Houston: “you can afford to be generous,—you have conquered the Napoleon of the West.” Gen. Houston asked him “how he could expect mercy after showing none at the Alamo ?” He replied that “by the rules of war, when a fort refused to surrender and was taken by assault, the prisoners were doomed to death.” Gen. Houston answered that “such a rule was a disgrace to the civilization of the nineteenth century.” He was then asked “by what rule of war he justified the massacre at Goliad.” He replied that “he had orders from his Government to execute all who were taken with arms in their hands.”

General Houston told him that "he was the Government—a Dictator had no superior"—also that "he must at once write an order for all his troops to abandon Texas and return home." This he did, and the dispatch was sent by a trusty messenger to his subordinates.



HOUSTON AND SANTA ANNA.

**How to Dispose of Santa Anna.**—This was a troublesome question. Among the soldiers the feeling existed that his life could only atone for the cruelties perpetrated by his order. But prudence as well as humanity dictated another course, and his life was spared. An agreement was entered into between him and the President of Texas.

*First*—That he should never again take up arms against Texas.

*Second*—That he should order all Mexican troops in Texas to return home.

*Third*—That he should cause to be restored all captured property.

In consideration of the fulfilment of these conditions he was to be set free. When the time came for his release the storm of popular indignation was so great that President Burnet thought best to order his longer detention as a prisoner of war.

**His Return.**—Santa Anna was liberated by President Houston in January, 1837, and sent to Washington, D. C., whence he returned to Mexico.

**Results of the 21st April.**—Meantime the Mexican army had evacuated Texas, and she was free. The battle of San Jacinto had secured her independence. Although Mexico did not acknowledge it, the fact existed beyond the control of that power.

The news of the brilliant engagement of the 21st April spread with lightning rapidity through the United States, and excited rejoicing in all directions. Meetings were held in many of the large cities, and men and money were freely offered in aid of the young nation.

**First Newspaper in Texas.**—The first\* permanent newspaper in Texas was called *The Telegraph*. Its publication was commenced at San Felipe, in October, 1835, by Gen. Borden, Thomas H. Borden, and Joseph Baker.† Its publication was continued there until the advance of Santa Anna's army in April, 1836, caused its removal to Harrisburg, where its office and material were destroyed by

\* There had been one previously published at Brazoria, by Cotton, and afterwards by F. C. Gray, but its issue was temporary.

† Joseph Baker was 1st Sergeant of Capt. Mosely Baker's company at San Jacinto, and was familiarly known among his friends as Don Jose. He was an apt Spanish scholar, and for years Spanish translator in the General Land Office.

the Mexicans. In August, 1836, new material having been procured, its issue was resumed in Columbia, from which place it was removed to Houston in 1837, where it is now published.

*List of Governors of Texas under Spanish and Mexican domination:*

SPANISH	YEAR
Domingo Teran	1661
Don Martin De Aarconne	1718
Marquis De Agnaya	1720
Fernando De Almazan	1723
Juan Antonio Bustillos	1731
M. De Sandoval	1734
Carlos De Franquis	1736
Prudencio Bastena	1728
Justo Boneo	1740
Jacinto De Barrios	1756
Antonio De Martos	1762
Juan Maria Baron De Rapperda	1770
Domingo Cabillo	1778
Rafael Panchecho	1789
Juan Bap. Elquezabal	1803
Antonio Cordero	1806
Manuel Del Salcedo	1810
Christoval Dominguez	1813
Antonio Mortinez	1818
 MEXICAN	
Trespalacios	1822
Don Luciana Garcia	1823
Rafael Gonzalez (of Coahuila and Texas united.)	1824
Victor Blanco	1826
Jose Maria Vierge	1828
Jose Maria Letona	1831
Francisco Vidaurri	1834
Augustin Vieca	1835

Henry Smith Provisional Governor of Texas until March 17, 1836.

### **Unanimous Declaration of Independence—**

*By the people of Texas in General Convention\* at the town of Washington, on the second day of March, 1836 :*

When a government has ceased to protect the lives, liberty and property of the people from whom its legitimate powers are derived, and for the advancement of whose happiness it was instituted; and so far from being a guarantee for their inestimable and inalienable rights, becomes an instrument in the hands of evil rulers for their oppression—when the Federal Republican Constitution of their country, which they have sworn to support, no longer has a substantial existence, and the whole nature of their government has been forcibly changed, without their consent, from a restricted federative republic composed of sovereign States, to a consolidated, central, military Despotism, in which every interest is disregarded but that of the army and priesthood, both of which are the eternal enemies of civil liberty, the ever ready minions of power, and the usual instruments of tyrants—when, long after the spirit of the constitution has departed, moderation is at length so far lost by those in power, that even the semblance of freedom is removed, and the forms even of the constitution discontinued, and so far from their petitions and remonstrances being regarded, the agents who bear them are thrown into dungeons, and mercenary armies sent forth to force a new government upon them at the point of the bayonet ;—when, in consequence of such acts of malfeasance and abduction on the part of the government, anarchy prevails, and civil society is dissolved into its original elements ;—in such a crisis, the first law of

\* Richard Ellis was President of this convention ; H. S. Kimball, Secretary.

nature, the right of preservation, and the inherent andinalienable right of the people to appeal to first principles, and take their political affairs into their own hands in extreme cases, enjoins it as a right towards themselves, and a sacred obligation to their posterity, to abolish such a government, and create another in its stead calculated to rescue them from impending dangers, and to secure their welfare and happiness.

Nations as well as individuals are amenable for their acts to the public opinion of mankind.

A statement of a part of our grievances is therefore submitted to an impartial world, in justification of the hazardous but unavoidable step now taken, of severing our political connection with the Mexican people, and assuming an independent attitude among the nations of the earth.

The Mexican Government, by its colonization laws, invited and induced the Anglo-American population of Texas to colonize its wilderness, under the pledged faith of a written constitution, that they should continue to enjoy that constitutional liberty and republican form of government to which they had been habituated in the land of their birth, the United States of America.

In this expectation they have been cruelly disappointed, inasmuch as the Mexican nation has acquiesced in the late changes made in the government by Gen. Antonio Lopez Santa Anna, who, having overturned the constitution of his country, now offers us the cruel alternative, either to abandon our homes, acquired by so many privations, or to submit to the most intolerable of all tyranny, the combined despotism of the sword and the priesthood.

It has sacrificed our welfare to the State of Coahuila, by which our interests have been continually depressed, through a zealous and partial system of legislation, carried on at a

far distant seat of government, by a hostile majority, in an unknown tongue, and this, too, notwithstanding we have petitioned in the humblest terms, for the establishment of a separate State government, and have, in accordance with the provisions of the National Constitution, presented to the General Congress a republican constitution, which was, without just cause, contemptuously rejected.

It incarcerated in a dungeon for a long time, one of our citizens, for no other cause than a zealous endeavor to procure the acceptance of our constitution, and the establishment of a State Government.

It has failed and refused to secure on a firm basis, the right of trial by jury, that palladium of civil liberty, and only safe guarantee for the life, liberty and property of the citizens.

It has failed to establish any public system of education, although possessed of almost boundless resources (the public domain); and although it is an axiom in political science, that unless a people are educated and enlightened, it is idle to expect the continuance of civil liberty or the capacity for self-government.

It has suffered the military commandants stationed among us, to exercise arbitrary acts of oppression and tyranny, thus trampling upon the most sacred rights of the citizens, and rendering the military superior to the civil power.

It has dissolved by force of arms, the State Congress of Coahuila and Texas, and obliged our representatives to fly for their lives from the seat of government, thus depriving us of the fundamental political right of representation.

It has demanded the surrender of a number of our citizens, and ordered military detachments to seize and carry them into the interior for trial, in contempt of the civil authority, and in defiance of the laws and the constitution.

It has made piratical attacks upon our commerce by commissioning foreign desperadoes, and authorizing them to seize our vessels and convey the property of our citizens to far distant ports for confiscation.

It denies us the right of worshipping the Almighty according to the dictates of our own consciences, by the support of a national religion calculated to promote the temporal interests of its human functionaries, rather than the glory of the true and living God.

It has demanded us to deliver up our arms, which are essential to our defence—the rightful property of freemen—and formidable only to tyrannical governments.

It has invaded our country both by sea and land, with the intent to lay waste our territory and drive us from our homes; and has now a large mercenary army advancing to carry on against us a war of extermination.

It has, through its emissaries, incited the merciless savage with the tomahawk and scalping-knife, to massacre the inhabitants of our defenceless frontiers.

It has been during the whole time of our connection with it, the contemptible sport and victim of successive military revolutions, and has continually exhibited every characteristic of a weak, corrupt, and tyrannical government.

These, and other grievances, were patiently borne by the people of Texas, until they reached that point at which forbearance ceased to be a virtue. We then took up arms in defence of the national constitution. We appealed to our Mexican brethren for assistance. Our appeal has been made in vain. Though months have elapsed, no sympathetic response has yet been heard from the interior. We are therefore forced to the melancholy conclusion that the Mexican people have acquiesced in the destruction of their liberty, and the substitution therefor of a military government; that

they are unfit to be free, and are incapable of self-government.

The necessity of self-preservation, therefore, decrees an eternal political separation.

We, therefore, the delegates with plenary powers, of the people of Texas, in solemn convention assembled, appealing to the judgment of a candid world as to the necessities of our condition, DO HEREBY DISSOLVE and declare that our political connection with the Mexican nation has forever ended ; and that the people of Texas do now constitute A FREE, SOVEREIGN AND INDEPENDENT REPUBLIC, and are fully invested with all the rights and attributes which properly belong to independent nations ; and, conscious of the rectitude of our intentions, we confidently and fearlessly commit the issue to the decision of the Supreme Arbiter of the destinies of nations.

Names of the signers of the Declaration of Texan Independence, together with the names of the municipalities represented by them, and their place of birth :

MUNICIPALITY.	PLACE OF BIRTH.
RICHARD ELLIS, <i>President of Convention</i> ,	Virginia.
C. B. STEWART,	Austin.
THOMAS BARNET,	"
JAMES COLLINGSWORTH	Brazoria.
ASA BRIGHAM,	"
EDWIN WALLER,	"
J. S. D. BYROM,	"
FRANCISCO RUIZ,	Bexar.
ANTONIO NAVARRO,	"
JESSE D. BADGETH,	"
WILLIAM D. LACY,	Colorado.
WILLIAM MENIFER,	"
JAMES GAINES,	Sabine.
W. CLARK, JR.,	"

	MUNICIPALITY.	PLACE OF BIRTH
JOHN FISHER,	Gonzales.	Virginia.
MATT CALDWELL,	"	Kentucky.
WILLIAM MOTLEY,	Goliad.	Virginia.
L. D. ZAVALA,	Harrisburg.	Yucatan.
STEPHEN H. EVERETT,	Jasper.	New York.
GEORGE W. SMYTH,	"	N. Carolina.
ELIJAH STAPP,	Jackson.	Virginia.
CLAIBORNE WEST,	Jefferson.	Tennessee.
WILLIAM B. SCATES,	"	Virginia.
M. B. MENARD,	Liberty,	Canada.
A. B. HARDIN,	"	Georgia.
BAILEY HARDEMAN,	Matagorda.	Tennessee.
J. W. BUNTON,	Mina.	"
THOMAS J. GAZELEY,	"	New York.
R. M. COLEMAN,	"	Kentucky.
ROBERT POTTER,	Nacogdoches.	N. Carolina.
CHAS. S. TAYLOR,	"	England.
THOS. J. RUSK,	"	S. Carolina.
JOHN S. ROBERTS,	"	Virginia.
ROBERT HAMILTON,	Red River.	Scotland.
COLLIN MCKINNEY,	"	New Jersey.
ALBERT H. LATIMER,	"	Tennessee.
MARTIN PARMER,	San Augustine.	Virginia.
E. O. LEGRAND,	"	N. Carolina.
STEPHEN W. BLOUNT,	"	Georgia.
SYD. O. PENNINGTON,	Shelby.	Kentucky.
W. CARL CRAWFORD,	"	N. Carolina.
JAMES POWER,	Refugio.	Ireland.
DAVID THOMAS,	"	Tennessee.
SAM HOUSTON,	"	Virginia.
EDWARD CONRAD,	"	Pennsylvania.
JOHN TURNER,	San Patricio.	N. Carolina.
B. BRIGGS GOODRICH,	Washington.	Virginia.
JAMES G. SWISHER,	"	Tennessee.
G. W. BARNETT,	"	S. Carolina.
JESSE GRIMES,	"	N. Carolina.
S. RHOADS FISHER,		Pennsylvania.

## MUNICIPALITY.

## PLACE OF BIRTH.

SAM. A. MAVERICK,*	S. Carolina.
JOHN WHIITE BOWER,	Georgia.
JAMES B. WOOD,	Kentucky.
ANDREW BRISCOE,	
JOHN W. MOORE,	
THOMAS BARNETT,	

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## QUESTIONS ON CHAPTER X.

What officer was wounded in the action of San Jacinto ? Describe the interview between him and Santa Anna. What was done with Santa Anna ? What were the terms of the agreement ? Who released Santa Anna ? When ? What were the results of the fight of the 21st ? What was the name of the first permanent newspaper in Texas ? Where published ? Who by ? Give its subsequent history. Was any newspaper published before this ? By whom and where ?

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\* The last six were not present at the signing of the Declaration in Convention, but affixed their names afterward.



## PERIOD II.

FROM THE INDEPENDENCE OF TEXAS IN 1836,

TO

ANNEXATION IN 1845.

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THE

REPUBLIC OF TEXAS.



## CHAPTER XI.

**Texas in the U. S. Congress.**—The Congress of the United States, in common with the people, looked with interest upon the struggle of Texas to throw off the Mexican yoke.

The question of the acknowledgment of her independence soon came up, and in June, 1836, the voices of such men as Thomas H. Benton and Henry Clay were heard in advocacy of the measure. The following is an extract from an able speech delivered by the latter on the 18th of June, 1836 :

“ If the contest has been unequal, it has nevertheless been maintained by Texas with uncommon resolution, undaunted valor, and eminent success. And the recent signal and splendid victory, in which the Mexican army commanded by Santa Anna, President of the Mexican government, in person, was totally overthrown with unexampled slaughter,—compared with the inconsiderable loss on the other side,—may be considered as decisive of the independence of Texas.”

**A Commissioner to Texas.**—On the 27th of June a resolution was adopted by Congress to send a commissioner from the United States to Texas.

**A Constitutional Government.**—It was now time for the people of Texas to inaugurate a constitutional government by the election of officers at the ballot-box.

**First Election.**—An election for this purpose was accordingly held in September, 1836, and Gen. Sam Houston was chosen by the people first Constitutional President, and M. B. Lamar,\* first Vice-President, of the Republic. At the same time the people with great unanimity expressed a wish to be annexed to the United States.

**First Congress.**—This body met at Columbia on the third day of October, 1835. It had much to do and little with which to do it. It had order to establish, money to raise, confidence to secure, protection to afford the people against the savages. The people were poor, the government in debt, there was no law, no judiciary, and the soldiers were naked and almost starving.

**Minister to Washington.**—One of the first acts of Congress was to authorize the President to appoint an agent with plenary powers to proceed to Washington, in order to negotiate for the recognition of the independence of Texas, and if possible secure her early annexation to the United States. W. H. Wharton was, under this act, appointed first Texas Minister to the United States.

**Results of the Session.**—After a session of three months, the first Congress of Texas adjourned. It was an assembly of marked legislative ability. During its session, and through its wisdom, wise laws had been enacted, a judiciary† of superior ability had been established, the army had been organized, fed and clothed, and the people had been put in possession of their civil and political rights.

\* Mirabeau B. Lamar was born in Georgia in 1798. He came to Texas in 1835. He served with distinction in the Texas revolution, and afterward in the Mexican war. He was first Vice-President and second President of the Republic of Texas. He died in 1859. General Lamar possessed fine literary taste, and was the author of a book of poems called "Verses Memorials." In the appendix to this book will be found one or two articles from his pen.

† Judge B. C. Franklin was, by the government ad interim, constituted the first Judge in Texas with common law and maritime jurisdiction.—*Yoakum*, Vol. 2, p. 199.

## QUESTIONS ON CHAPTER XI

When did the question of the independence of Texas first come up in the Congress of the U. S ? What able man advocated it among others ? What agent was appointed by Congress in June ? When was the first constitutional election held in Texas ? Who were elected ? What wish did the people express at the ballot-box ? When did the first Congress of Texas meet ? What was one of its first acts ? What were some of the results of this session ? Who was the first Judge in Texas having common law and maritime jurisdiction ?

## CHAPTER XII.

**Mexico still Claims Texas.**—Although Mexico had been compelled for the time to cease hostilities against Texas, she was nevertheless far from acknowledging her independence. Dissensions at home kept her sufficiently occupied to prevent any formidable invasion. But the Mexicans did not scruple to excite the Indians, especially the Comanches, to continual acts of treachery and violence against the settlers of Texas.

**What the Indians were Told.**—The Indians were told, and made to believe, that the whites intended to exterminate them or drive them from their ancient hunting-grounds. The pioneers were therefore compelled, for years after hostilities had nominally ceased with Mexico, to be continually on the alert to repel the attacks of savages.

**Gen. Houston Resigns.**—After the battle of San Jacinto, Gen. Houston, being incapacitated by his wound from active service, relinquished the command of the army to Gen. Thomas J. Rusk, who had previously been Secretary of War.

**Rusk Appointed to the Cabinet.**—After the inauguration of Gen. Houston to the Presidency, he appointed Rusk\* to a seat in the Cabinet, which left the command of the army in the hands of Gen. Felix Houston.

\* Thomas Jefferson Rusk was one of the noblest sons of Texas. He was born in South Carolina in 1803. He was educated for the law, and having removed to Georgia, he was then distinguished, at the age of twenty-nine, as one of the first



HOUSE IN WHICH FIRST CONGRESS MET.

**Second Session of First Congress.**—On the first day of May, 1837, the second Congress of Texas met at Houston, which town had been laid off the year before, and named in honor of the President.

**Accommodations at Houston.**—It may therefore reasonably be supposed that in a town not yet a year old,

lawyers in that State. In 1835, he came to Texas and settled at Nacogdoches. In 1836, he was elected a delegate to the convention at Washington, and by that body was chosen Secretary of War. In the battles which followed, General Rusk took an active and distinguished part, and General Houston being disabled by his wound received at San Jacinto, he was made Commander-in-Chief of the army. In November, 1836, he was appointed to a seat in the Cabinet. The Congress of 1838 elected him Chief Justice of the Supreme Court, which position was vacated by the death of James Collingsworth. In 1843, Rusk was elected Major-General of State Militia. In 1845 he was president of the convention which assembled at Austin to frame a State Constitution.

In 1846, the first Legislature of Texas elected him U. S. Senator, which position he filled with marked ability and satisfaction to the people of Texas until his death in 1857. Thomas J. Rusk was one of those men whose death was the signal of mourning to a host of friends. Modest in his manners and disposition, social and domestic in his habits, and of a warm and generous nature, he was indeed one of nature's noblemen.

and in the wilderness, the accommodations for the officials of the nation were neither extensive nor magnificent. A writer says: "The President's mansion was a log cabin consisting of two rooms or pens, the one having a puncheon floor, the other a floor of earth. Yet in that humble dwelling the representatives of the young Republic, and many visitors, among whom were the British envoy, Crawford, and the distinguished Audubon, attended the levees."\*

### **Independence Acknowledged by United States.**

—On the first day of March, 1837, the Congress of the United States, after a warm discussion, passed a resolution acknowledging the independence of Texas. This recognition, by one of the leading powers of the world, greatly contributed to the confidence of the citizens at home, and the respectability of the Republic abroad.

**Annexation put off.**—While hostilities continued between Texas and Mexico, the question of the annexation of Texas, involving as it would the alternative of a war with Mexico, was dismissed from the halls of the United States Congress.

**Border Warfare.**—Meantime a predatory warfare was continually waged against the people of Texas by the Mexicans and their Indian allies, along the Rio Grande frontier, and in Northwestern Texas.

**Mexican Privateers.**—Several war vessels were also equipped and sent out by Mexico, to hover about the Texas coast, and destroy her commerce; but the Texas navy was soon more than a match for that of her adversary.

\* The writer of these pages may be here permitted to remark that when he reached Austin, which was shortly after the seat of government was located at that place by a vote of the people, the public buildings, including the Governor's office, State Department, General Land Office, State Treasury, and other public buildings, were all simple log-houses, each containing two rooms.

**Texas Navy.**—The vessels composing the original Texas navy were the “Invincible,” the “Liberty,” the “Brutus,” and the “Independence,” mounting in all twenty-eight guns.

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#### QUESTIONS ON CHAPTER XII.

What was the attitude of Mexico toward Texas after the battle of San Jacinto? Why did she not prosecute her claim to Texas? Whom did the Mexicans excite against the Texans? What were the Indians told? When did Houston give up command of the army? Who took his place? When was Rusk appointed to the Cabinet? Who then commanded the army? When did the second Congress meet? Where? What is said about the accommodations at Houston? When was the independence of Texas acknowledged by the U. S.? What effect had this? Why was annexation delayed? What was the condition of the western border? What of the sea coast? What were the names of the vessels comprising the original navy of Texas? How many guns in all did they carry?

## CHAPTER XIII.

**Financial Troubles.**—Poverty and debt weighed heavily upon Texas in the years immediately following the beginning of her national existence. With a population of 50,000, she labored under an indebtedness of more than a million of dollars, or more than twenty dollars for each man, woman and child, negro and Mexican, within her borders. This to a people, many of whom from January to December, never saw a dollar in money, was a well-nigh hopeless condition of poverty.

**State of the Treasury.**—The President, in his message to the Congress of 1837, declared that during his administration, up to that time, about a year, there had been paid into the national treasury only five hundred dollars in coin.

**In Debt to the Army.**—A large portion of the indebtedness of the Republic was to the army, and while this existed, the troops could not be discharged without great discontent.

**The Soldiers Furloughed.**—The President, therefore, instead of discharging the men, gave them furloughs, in order that they might be relieved from duty, and still draw pay until discharged. This expedient satisfied most of the men, and they went quietly home.

**How to Raise Money.**—This was the absorbing question for the heads of government. An issue of land scrip or

warrants entitling the holder to a certain number of acres of Texas land to be located wherever desired, was ordered, and put upon the market.

**Treasury Notes.**—Congress also passed an act authorizing the issue of a half a million dollars in government notes. These were made receivable for public dues, and served in some degree to relieve the national embarrassment.

**Panic of 1837.**—The year 1837 was one of unexampled financial disaster throughout the commercial world. A general suspension of banks took place. Under these circumstances, the bond and land scrip of Texas sought almost in vain for purchasers, and her citizens were pinched with want.

**Indian Wars.**—The constant incursions of the savages rendered it necessary during the year 1837, to formally declare war against them. A force of rangers was put in the field against them, and many bloody fights took place during that and two or three succeeding years.

**Social and Religious.**—The people of Texas all kept “open houses.” Indeed many of them had no way of closing their cabins except by hanging up a raw hide at the door. They regarded themselves as one community, and whatever each had was at the service of the rest. No aristocratic barriers could exist among a people who were mutually dependent upon each other for society and protection.

**Churches.**—The dominant religion of Texas under its Spanish and Mexican rulers was Roman Catholic. Indeed the Mexican laws of immigration at first made a confession of the Catholic faith obligatory upon the colonists. Religious intolerance, however, was not manifested towards

the American settlers, and they were allowed to build their own churches and establish their own worship.

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#### QUESTIONS ON CHAPTER XIII.

What troubles pressed upon the nation at first ? How much did she owe ? How much money was paid into the Treasury in one year ? To whom was the principal indebtedness ? How was this managed ? What was done to raise money ? What took place in 1837 ? What about the social condition of Texas ? What about the religious ?

## CHAPTER XIV.

**Protestant Denominations.**—Many Protestant Ministers came to Texas during and after the year 1818, and the Methodists and Baptists both had respectable church buildings as early as the year 1829. The Presbyterians and Episcopalian soon after.

**Sunday Schools.**—The first Sunday School in Texas was opened in San Felipe in the year 1829. The American Bible Society had an efficient agent in the field in 1832, and by him bibles and testaments were distributed from the Sabine to the Rio Grande.

**Land Titles.**—Some account of the mode of vesting possession of land in the settlers will be interesting. For convenience this subject may be treated under three heads, viz :

The Mission grants.

The Colonial head right grants.

The American system of land titles.

**Spanish Grants.**—The first grants of land in Texas were made to those Indians who attached themselves to the missions,—the Indian converts.

**Mode of Surveying.**—The manner of surveying these tracts of lands appears to have been very simple, and quite unlike the precise way in which our people are now wont to define their boundaries. “The captain\* and priests

\* I give this account of the method of granting land to Indians on the authority of a work on the subject of mission land grants; but am satisfied that such indefinite land surveys were of rare occurrence. The lands were considered of very little value, but the early surveys, I am assured, were made with considerable exactness.

of the mission, under authority of the Spanish crown, having made converts to the Catholic faith of a number of Indians, took their chief by the hand and led him to the tract of land to be conveyed. Walking slowly around the land, they pointed out its metes and bounds, and pulling up grass and picking up stones, they cast them towards the corners, and thus proceeded to invest the new owners with a valid title."

**The Contract Sealed.**—The transaction was declared complete when the Indians, through an interpreter, declared their intention to adhere to the Christian religion, and to avoid the commission of crime.

**Value of Land.**—To illustrate the value attached to the fertile acres of Texas at that time, we give an incident on the authority of a reliable historian : Governor Salcido, in 1810, being petitioned for a grant of land, sent out a surveyor to examine and report its quality and value. Thus commissioned, the surveyor examined and reported "that the land was bad and uneven, with no water ; and the whole country thereabouts was beset with ticks and hornets ; and that the whole tract, 2,500 acres, was worth five dollars."

**Indian Land Titles.**—Amid the many Indian wars that occurred between 1810 and 1835, most of the original grantees were driven away, their landmarks blotted out, and the land re-granted to new settlers.

**The Colonial Head Right System.**—This was the second mode of granting land in Texas. Under the Mexican laws a certain amount of land was given to each *bona fide* settler. These grants of land were large. To the head of a family one league, or about 2,000 acres ; to a single man, one-third as much. These magnificent donations would speedily have exhausted the domain of a less extensive territory than Texas.

**Mexican Method of Head Rights.**—The *Empresario* or contractor, who introduced the colonists, reported their names and other necessary facts to the Land Commissioner of the government. That functionary then issued to each colonist a *testimonio* or deed to the land upon condition that he should pay the fees and establish the corners of his land within one year. Thus at that time, the payment of something less than thirty dollars put a settler in possession of a league of choice land.

**American System.**—The land laws of Texas went into operation in 1837.\* A General Land Office was established, over which a Commissioner was appointed. A surveyor was also appointed for each county or district, and land certificates were issued to actual settlers. The location of lands by the holders of these certificates progressed rapidly. The colonist, having selected his land and had it surveyed, went to the land office with his field notes, and obtained his patent or deed from the government by paying the necessary fees.

**Conflict of Title.**—Many of the locations of land in Texas since 1837 were made ignorantly upon old Mexican grants. Wherever this has been found to be the case the courts have usually sustained the validity of the old claim.

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#### QUESTIONS ON CHAPTER XIV.

About what time did the Protestant denominations establish themselves in Texas? Which first? When was the first Sunday school? And where? How may the land titles of Texas be divided? Give some account of the early manner of surveying. How was the contract ratified? What about the value of land? Give an instance. Were these Indian titles permanent? Tell about the colonial system? The American system? How about conflict of title?

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\* J. P. Borden was first Commissioner of the General Land Office under the Republic of Texas. Thomas William Ward was commissioner for several years before and after annexation.

## CHAPTER XV.

**Seat of Government.**—The Congress of Texas, January, 1838, appointed five Commissioners to select a site for the Capital of the Republic. The Commissioners, consisting of Albert C. Horton, Lewis P. Cook, Isaac W. Burton, William Menifer and J. Campbell, after careful examination, made choice of the present location on the Colorado river. At the time of its selection it was on the extreme frontier, Bastrop being the nearest town, thirty-five miles lower down on the river. To this place—temporary buildings having been erected—the government offices were moved in October, 1839, and in the November following, the Congress met at the new city of Austin.

**Changes.**—Before that time the councils of the young Republic had been held by executive appointment at different places for convenience and safety.

First at San Felipe, November, 1835.

Next at Washington, March, 1836.

Next at Harrisburg, same month.

Next at Galveston, April 16, 1836.

Next at Velasco, May, 1836. At this place the treaties with Santa Anna were signed.

Next, by order of Congress, at Columbia, in October, 1836.

Next at Houston, in May, 1837.

Next at Austin, in October, 1839.

Austin City was incorporated in 1840.

**More Changes.**—In this connection we will follow the removals of the seat of government of Texas up to the present time. In 1842, during an invasion of the Mexicans under Gen. Vasquez, into Western Texas, President Houston, thinking the national records in danger, ordered their removal to Houston.

**Archive War.**—This caused the disturbance which is known as the archive war. The citizens of Austin thinking the removal ill-judged and unnecessary, held a mass-meeting, organized a company, and pursued and captured the wagons containing the records of the General Land Office, which they took back in triumph to Austin.

**Capital at Houston.**—The government offices remained at Houston until November, 1842, when by Executive proclamation Congress met at Washington. Here the capital remained until it was again established at Austin in 1845. In 1850 an election was held to locate the seat of government of Texas, and Austin city was chosen by the people to be the capital for twenty years, or until the next general election after the year 1870. This election was held in obedience to Sec. 37, Art. 3, new State Constitution, November 5 to 9, 1872, and resulted in the re-election of Austin by a majority of 15,355 votes, over both Houston and Waco, its competitors. This finally settles the question of a seat of government for Texas while the State remains undivided.

**Terms of Office.**—According to the provisions of the Constitution of the Republic of Texas, the first President held his office for two years ; and succeeding Presidents for three years, each being ineligible to re-election for the next term.

**Second President.**—An election having been held according to law, September, 1838, Mirabeau B. Lamar was the

choicee of the people for President, and David G. Burnet for Vice-President.

**Independence Acknowledged by France.**—In 1837, J. Pinckney Henderson had been sent by Texas as Minister to France and England, to secure recognition by those powers at as early a day as possible. In September, 1839, Louis Philippe, King of France, entered into a treaty acknowledging Texas to be an independent nation; and he also caused a Minister, M. De Saligny,\* to be sent to Austin.

**England, Holland and Belgium.**—The example of France was followed in 1840 by England, Holland and Belgium.

**Lamar's Indian Policy.**—Under Lamar's administration, and by his recommendation, vigorous hostilities were prosecuted against the Indians, especially the Comanches, who have ever been the most treacherous and deadly foes of the people of Texas.

**Minister Extraordinary.**—In 1841, General James Hamilton,† a distinguished citizen of South Carolina, who had linked his fortunes with Texas, was appointed Minister Extraordinary to the European Powers to assist in securing

\* M. De Saligny.—An amusing incident is said to have occurred at the French Court pending the acknowledgment of the independence of Texas. General Henderson, who was Minister of Texas, and urging the measure upon the French government, was asked in the presence of M. De Saligny, who had just returned from Texas, what was the population of that State? Henderson, desirous of making the figures as large as possible, and almost ashamed to say what he really thought the number to be, artfully referred the question to Saligny, who, with French promptness and politeness, instantly replied: "about a million." The Court was too polite to doubt the statement, and of course the question of population did not stand in the way any longer.

† Gen. James Hamilton was born in South Carolina, May 8, 1786. He was educated for the law, but entered the army and served with credit in the war of 1812. He was representative to Congress from South Carolina, and Governor of that State in 1830. He declined the Secretaryship of War in 1828. In 1841, having become ardently devoted to Texas, he accepted the position of Envoy Extraordinary to the Courts of England, France and Belgium, and did much to secure for Texas credit and standing abroad. He spent his fortune in behalf of his adopted State, and at last lost his life at sea in a voyage to her shores in 1857.

recognition ; and also to effect a loan of money from foreign capitalists in aid of Texas.

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#### QUESTIONS ON CHAPTER XV.

What step was taken by Congress to locate a seat of government ? When ? Who were the commissioners ? What place was selected ? Where is Austin ? What place was occupied as the capital of Texas previous to 1840 ? What place after 1840 ? Tell about the archive war. When was the seat of Government finally fixed ? and where ? Tell what you know about the terms of office under the Republic ? Who was second President ? When elected ? When was the independence of Texas acknowledged by France ? By what other powers soon after ? What was Lamar's Indian policy ? Who was Minister Extraordinary from Texas in 1841 ?

## CHAPTER XVI.

**Growth of Texas.**—In spite of the constant depredations committed by Mexicans and savages, the tide of immigration continued to roll to the shores of Texas, until in 1840, her population\* numbered between sixty and seventy thousand.

**Her Monetary Affairs.**—Her financial condition had not improved. She had no credit abroad. Her bonds had sought in vain for purchasers. Her debts had increased to a hopeless extent. Her paper money was worth but ten to twenty cents on the dollar, and yet this was all the money she had. The nation and the people were alike bankrupt.

**A Pig meddles in Foreign Affairs.**—In February, 1841, a funny affair happened, which well nigh caused a rupture of the friendly relations existing between France and Texas. One of the pigs of Mr. Bullock, a well-known Austin landlord, found his way into the stable of M. De Saligny, the French Chargé, and proceeded to appropriate a portion of the corn of the Minister's horses. For this offence a servant slew the swinish invader, whereupon the irate Bul-

\* *Population.*—The estimated population of Texas in 1836, according to a report made by Henry M. Morfit, Esq., Commissioner to Texas by appointment of President Jackson, was as follows:

Anglo-Americans.....	30,000
Mexicans.....	3,470
Indians.....	14,200
Negroes.....	5,000
	<hr/>
	52,670

lock horsewhipped the dependent of the French ambassador. Saligny thereupon made complaint, and the landlord was arrested and bound over to the next term of court. A day or two afterward the envoy coming to the hotel, Bullock ordered him off his premises. These indignities were too much for French honor to submit to, and the Texan government failing to give prompt satisfaction, the Minister abandoned his post in high dudgeon. A conciliatory letter from President Houston afterward healed the breach, and brought the irate Frenchman back.

**Santa Fe Expedition.**—In 1841, an expedition was set on foot to occupy New Mexico, and induce its inhabitants to place themselves under Texas laws.

**Without Sanction.**—This project was with the approval and sanction of President Lamar, but without the sanction of the Congress of Texas. It was under the leadership of Gen. Hugh McLeod.

**Disastrous Result.**—The result of this expedition was disastrous, most of those engaged in it being either killed or captured by the Mexican troops.

**Houston Re-elected.**—In September, 1841, the presidential election again occurred, and Sam Houston was once more made President of Texas by an overwhelming vote. Edward Burleson was at the same time chosen Vice-President.

**Houston's Indian Policy.**—In his message to Congress after his inauguration, Houston, among other measures, recommended establishing trading-posts along the frontier for the Indians; and also that treaties be made with them wherever practicable. During the next few years Indian disturbances were less frequent.

**Mexican Invasion.**—Early in 1842, a Mexican army under Gen. Vasquez, penetrated Texas as far as San Antonio,

which place they took possession of without opposition. The American inhabitants abandoned the town, and the Mexican forces, after remaining two days, retired toward the Rio Grande.

**The Texans Prepare for War.**—In a few days the news of this invasion spread through the land, and three thousand Texans marshaled themselves for battle. When it was ascertained that the Mexicans had retreated, the Texan army was clamorous to be allowed to invade Mexico. This course was not approved by the President, who called an extra session of Congress in June, 1842, to take the subject under advisement. Meanwhile most of the volunteers, after the excitement passed away, disbanded and returned home.

**Santa Fe Prisoners Released.**—About the same time the Mexican government released the Santa Fe prisoners, which action had a tendency to bring about a more quiet feeling in Texas.

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#### QUESTIONS ON CHAPTER XVI.

What is said about the growth of Texas? Its population in 1840? Its monetary affairs? What amusing incident is here related? What expedition took place in 1841? Its object? Its result? What election took place in 1841? Who was elected President? Vice-President? What about Houston's Indian policy? What invasion in 1842? Tell about it. What did the Texans wish to do? What did the President do? What prisoners were released about that time? What effect did it have in Texas?

## CHAPTER XVII.

**Another Invasion.**—In September, 1842, another Mexican army, twelve hundred strong, under General Woll, entered Texas and took possession of San Antonio.

**The Court Captured.**—The district court for the county of Bexar was at that time holding its session; and the arrival of the enemy being entirely unexpected, no time was given them to escape. Although not organized for defence, a skirmish ensued in which a few of the Mexicans were killed; after which a surrender was agreed upon. The Judge of the court, and the lawyers in attendance, with the few American inhabitants of the city, thus became prisoners of war.

**The Invaders Repulsed.**—The citizens again flew to arms, and attacked the enemy at the Salado,\* a few miles east of San Antonio, where a hot fight took place, resulting in the defeat of the invaders, who retreated from the State.

**Mier Expedition.**—The Texans, exasperated at these

\* *Battle of Salado.*—Below is Col. Caldwell's (commonly called "Old Paint") account of the battle:

SEPTEMBER 17, 1842.

"At the Salado, two miles above the old crossing, we commenced fighting at eleven o'clock to-day. A hot fire was kept up until about an hour by sun, when the enemy retreated, bearing off their dead and wounded, which were very many. We have a glorious band of Texas patriots, among whom only ten were wounded and not one killed. The enemy are around me on every side, but I fear them not. I will hold my position until I receive reinforcements. Come and help us. It is the most favorable opportunity I have seen. There are eleven hundred of the enemy. I can whip them on any ground without help, but cannot take any prisoners. Why don't you come? Huzza for Texas!"

MATTHEW CALDWELL,  
Col. Commanding."

repeated incursions, pursued the enemy to the Rio Grande. Here a consultation was held, and the larger part of the Texan army returned home, but a portion of them, under Capt. Fisher, crossed the river and took possession of the Mexican town of Mier.

**Unfortunate Result.**—The Mexicans soon rallied in large numbers, and after a series of desperate encounters, the Texas troops surrendered as prisoners of war upon promise of good treatment.\*

**Great Disparity of Numbers.**—The Mexicans engaged in this affair numbered more than two thousand, while of the Texans there were but two hundred and sixty.

**After Particulars.**—The prisoners thus taken were started to the city of Mexico under charge of General Ampudia. On the 9th of January, 1843, they reached Matamoras, on the 29th they arrived at Monterey, on February 2d they reached Saltillo, when Col. Barragan took charge of them. The prisoners, having no confidence in their captors, had agreed to overpower the guard, and make their escape. Accordingly, on the 11th of February, when about one hundred miles beyond Monterey, and near the

\* The following are the articles of capitulation agreed upon by the contending forces at Mier:

"First—All who give up their arms will be treated with the consideration which is in accordance with the magnanimous Mexican nation.

"Second—Conformably with the agreement which Gen. Fisher has made with me, all persons belonging to the Santa Fe expedition, will receive the same treatment as the rest.

"Third—All who desire to avail themselves of these terms, will enter the square and deliver up their arms."

The following letter was addressed by Col. Fisher to Gen. Ampudia, Commander of the Mexican forces:

Sir: The forces which, through the chances of war, I now surrender to you, are composed of the most valiant and intelligent citizens of Texas. They have contended manfully against your superior force, and have only yielded when it was deemed folly longer to contend. Your established character as a brave and magnanimous officer, is a certain guarantee to me that they will be treated as brave men deserve. I have the honor to be respectfully yours,

W. S. FISHER,  
Commanding.

To Gen. PEDRO DE AMPUDIA, Commanding Mexican army.

*hacienda* Salado,\* they made a simultaneous attack upon the guards, and having killed and disarmed many of them, succeeded in making their escape, and started on their way home. They soon got lost amid the barren hills of Mexico, and suffered dreadfully for want of food and water. Some became deranged, and some died of exhaustion. In a few days they were re-captured, tied in pairs, and marched back to the Salado, where the order of Santa Anna, hereafter spoken of, was received. Of the 193 who escaped, five died of starvation, three were never heard of, and several made good their escape to Texas.

**The Black Bean.**—In retaliation for this bold attempt to escape, Santa Anna ordered that every tenth man of the captives should be shot. Accordingly, a vessel containing one hundred and fifty-nine white beans and seventeen black ones, was brought, and each prisoner compelled to draw one. The terrible ceremony was performed by the Texans with unflinching fortitude. The poor fellows who drew the black beans were bound together by twos, their eyes bandaged, and were then deliberately shot by a platoon of soldiers detailed for that inhuman purpose. The remainder of the unfortunates were cast into the dungeons of Mexico, where they remained until their release by Santa Anna in September, 1844.

**Defensive Measures.**—The seventh Congress of Texas, which met at Washington in December, 1842, passed an act calling into service six companies of mounted militia or minute men, who should be ready for instant action in case of any future invasion from Mexico. This force was under the command of Gen. Thomas J. Rusk.

**Additional Measures.**—In addition to the above

\* *Hacienda*.—The plantation, or collection of plantations, together with the dwellings of dependents, belonging to a Mexican Grandee.

force, a regiment of mounted men or "Texas Rangers," as they were called, was organized and kept in the field. This troop was under the independent command of Capt. John C. Hays, or Jack Hays, as he was familiarly called, and did efficient service in guarding the frontier.

**Better Prospects.**—The year 1843 dawned upon more encouraging prospects for Texas. An armistice was agreed upon between Santa Anna, President of Mexico, and the Texas government, providing for the cessation of hostilities between the two with a view of peace negotiations.

**The Indians more Peaceful.**—Under the prudent management of President Houston, the Indian tribes became more peaceably disposed, an abundant harvest was reaped, a large number of immigrants came to the country, and everything looked more encouraging.

**Annexation.**—In December, 1843, President Tyler sent to the United States Congress his message recommending the annexation of Texas; and commissioners were sent from Texas to Washington, D. C., to bring about this consummation.

**England and France Object.**—The agents of these powers at once protested against this measure, and after discussion, the Senate of the United States rejected it in June, 1844. This was a great disappointment to the people of Texas, but the feeling became general that annexation would not much longer be postponed.

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#### QUESTIONS ON CHAPTER XVII.

What occurred in September, 1842? What was the result? What about the capture of the Court? What battle took place? What about the Mier expedition? What was the number of Texans? What of the Mexicans? What was the order of Santa Anna? Tell about the black bean? When did the seventh Congress meet? What measures did it adopt? What is said about the prospects of Texas in 1843? What about annexation? Were England and France in favor of it? What did the Senate of the U. S. do in reference to it? What was the feeling in Texas?

## CHAPTER XVIII.

**Anson Jones President.**—In September, 1844, Doctor Anson Jones\* was elected President, and K. L. Anderson, Vice-President, of Texas.

**Regulators.**—During the years 1842–3 and 4, a state of things existed in some of the eastern counties bordering on Louisiana, which calls for a brief notice at our hands. At the instigation of a bold and desperate man named Jackson, a part of the citizens of two or three counties organized themselves into a society called Regulators, ostensibly for the punishment of crime.

**Moderators.**—To counteract this proceeding, another part of the community banded themselves into a fraternity called Moderators. Thus for years the people of the several counties were arrayed against each other in deadly warfare. In 1844, affairs became so desperate that the State troops were called out to disarm and overawe the outlaws.†

\* Anson Jones was born in Massachusetts in 1798. He studied medicine, and commenced its practice in Philadelphia in 1826. He came to Texas in 1833. During her struggle for independence he enlisted in the army as a private soldier. He was elected to the second Congress of Texas in 1837. In 1838 he was appointed Texas Minister to the United States. In 1844 he was elected President of Texas, which position he held until after annexation, when he surrendered the executive office to Governor Henderson, who had been elected first Governor of the State of Texas. He put an end to his life in a fit of mental aberration in 1858.

† The following account of the conclusion of the troubles is given by Captain Simpson: “Moorman was, in 1844, Captain of the Regulators, and Bradley of the Moderators. Moorman killed Bradley at the church door, in San Augustine, at the close of divine service, one evening, in the summer of 1844, and then retired to Shelby county. A writ for his arrest was placed in the hands of the sheriff of that county. Moorman resisted, and was sustained by the Regulators, while the Mod-

**Annexation Accomplished.**—James K. Polk was elected President of the United States in November, 1844. On the 25th day of February, 1845, a joint resolution for the annexation of Texas passed the House of Representatives, and on the first of March, the Senate of the United States. On the same day, President Tyler, before retiring from office, had the satisfaction of giving his official sanction to a measure which for years he had earnestly advocated. A few months later, the people of Texas, at the ballot-box, ratified the contract of annexation, and the “Lone Star State,” became one of the members of the United States federation.

**General Jackson's Congratulations.**—It will not be inappropriate to give here an extract from a letter from the hero of New Orleans to his former companion in arms, and intimate friend, the hero of San Jacinto :

“I congratulate you—I congratulate Texas, and the United States—upon this glorious result, upon which greatly depended the safety and prosperity of both. I now behold the American eagle hovering over the lone star of Texas—with cheering voice welcoming it into the mighty Union; and at the same time proclaiming to Mexico, and all foreign powers: ‘You shall not hereafter infringe upon the rights of Texas—the stars and stripes from this time forth defend her.’ Glorious result, in which you, General, have acted a noble part; and your name is now enrolled among the heroes, patriots and philanthropists of the world.”

**Indian Treaty.\***—In February, 1845, a treaty of

erators rallied around the sheriff. Thus the two parties, numbering one hundred and seventy-five men each, were arrayed against each other. They fortified, and for weeks were under arms, during which time about fifty were killed and wounded. The State militia being ordered out, captured Moorman, and dispersed the combatants. Moorman was killed by Doctor Burns two or three years after.”

\* This curious document is here given, both as a matter of history and to give the reader the names of the Indian tribes of Texas and their chiefs.



INDIANS. *From Monteith's Comprehensive Geography.*

amity was consummated between the Republic of Texas, through agents appointed for that purpose, and all the Indian tribes and parts of tribes within her borders, to whom access could be obtained. This treaty of peace was formally drawn up, and signed by the representatives of the Indian tribes on their part, and the officers and President of the Republic of Texas, and procured an interval of peace between the Indians and whites.

#### TREATY.

*Whereas, A treaty of peace, friendship and commerce between the Republic of Texas and the Comanches, Keechis, Waco, Caddo, Anadahkah, Tonie, Delaware, Shawnee, Cherokee, Lipan and Tahwahkarro tribes of Indians, was concluded and signed at Tahwahkarro creek, on the ninth day of October, 1844, by Thomas J. Smith, J. C.*

Neil, and E. Morehouse, Commissioners on the part of the Republic of Texas, and certain chiefs, headmen and warriors of the tribes of Indians aforesaid, on the part of said tribes—which treaty is in the following words, to wit:

“ *Whereas*, Hostilities have heretofore existed between the White and Red men of Texas, to the injury of both ; and whereas, a longer continuance of such hostility would lead to no benefit to either, but increase the evils which have unhappily rested upon the two races ; and, whereas, both parties are now willing to live in peace, harmony and trade, and are desirous of establishing certain solemn rules for the regulation of their intercourse.” Therefore, etc.

The treaty then goes on to say in substance, that the Indians shall always be friendly ; shall not make war upon, nor permit any of their number to make war upon the whites, nor kill them, nor steal from them; neither shall they make any treaty with any tribe or nation who shall make war upon the people of Texas ; nor shall they kill any women or children under any circumstances ; and in case a war should ever arise between them and any other nation or people, they shall never kill any person bearing a white flag ; also in case any property shall be stolen from the whites, it shall be promptly restored. And the Government of Texas agrees on its part to establish trading posts on the frontier, to supply the Indians with guns, powder, blankets, cooking utensils, and other articles necessary to their comfort and convenience, and that they will not cheat or defraud them, nor permit any agent to do so ; nor will they sell to the Indians any whisky or other intoxicating liquor ; and they will send them schoolmasters and missionaries to instruct them in the English language and the Christian religion. “ It is also agreed that in case any trouble shall arise between the two races, the Indians shall send an agent with a flag of

truce to the President of Texas, who will remove the cause of the trouble ; and the President shall, from time to time, make such regulations as shall be best for the peace and happiness of the tribes.

"It is finally stipulated that there shall be a general council held once a year, when the chiefs of the Indians and the officers of the Republic of Texas shall meet and consult together."

~ This treaty is signed by the following tribes, to wit :

Comanches.....	Pochanaquahip, Monepachacope, Chomopadua, Anoketchtowee, or White Plume.	War chiefs and chiefs.
Keohis .....	Tecarkequache, Acarquash,	
Wacoies.....	Nahashtowee, or Lame Arm.	War chiefs and chiefs.
Caddos.....	Charstuscowow, Binchah, Red Bear.	
Anadahkahs . . .	Jose Maria.....	Chief.
Ionies.....	Bead Eye.....	Chief.
Delawares.....	San Luis, Roasting Ear,	Chiefs.
Shawnees.....	Black Cat.....	
Tahwahkarros....	Nakawa, Castilla, Toyakara,	Captains.
Caddos .....	Codah, Tahwin, Ishshahomo, Chawah, Decatur.	
Cherokees.....	Oukstahalah.....	Chief.

Lipans . . . . . Ramon Castro,  
Capitan Chico.      } Chiefs.

Signed by the Interpreters.

ANSON JONES, President of Texas.

The above treaty was concluded and went into effect in February, 1845.

*List of the Presidents of the Republic of Texas:*

DAVID G. BURNET, President <i>ad interim</i>	1836
SAM HOUSTON	1836
MIRABEAU B. LAMAR	1838
SAM HOUSTON	1841
ANSON JONES	1844

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QUESTIONS ON CHAPTER XVIII.

When was Doctor Anson Jones elected President? Who Vice-President? Tell about the Regulators. The Moderators. When was annexation accomplished? Who was President of the U. S.? Who signed the joint resolution before retiring from office? When did the measure pass the House? The Senate? When did the people of Texas endorse it? Who wrote a letter of congratulation? To whom? What treaty was made in February, 1845? With what tribes of Indians? What effect did it have?

## PERIOD III.

FROM 1845 to 1870.

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THE

STATE OF TEXAS.



## CHAPTER XIX.

### RECAPITULATION.

**First.**—We have briefly traced the history of Texas from the time when the adventurous La Salle set foot upon its shores. We have seen how, when the French colonists had failed to establish themselves, the Spanish sent out their priests and soldiers, and planted their missions at a great expense throughout the vast territory. We have marked how, after a century of Spanish and Mexican misrule, no advance had been made in Christianity or civilization; and the resources of Texas were still undeveloped.

**Second.**—We have seen the Anglo-American settlers come from the older States, and with a will that has never been thwarted, build their dwelling-houses, their churches, and their school-houses in the wilderness. We have seen these sturdy colonists, with one arm warding off the arrow of the savage, and with the other tilling the soil, going steadily onward, and increasing in numbers. Again we have beheld how, when the yoke of Mexico had become intolerably oppressive without affording them any protection, the brave yeomanry of Texas banded together, and with a united and mighty effort, drove the minions of that dynasty from its borders.

**Third.**—We have seen the infant Republic, after having achieved her independence, standing for years in poverty and rags, and tremblingly knocking for recognition at the

doors of the mighty nations of the earth. At length, after many delays, we have had the satisfaction of beholding, one after another, these doors opened, and the right hand of fellowship extended by these nations, until at last, impelled by ties of consanguinity, Texas has been received and acknowledged a member of the family of the United States.

**Finally.**—It remains for us to recount the principal events in the history of Texas since she became one of the sisterhood of these States.

**Convention of 1845.\***—In July, 1845, the convention elected by the people of Texas to frame a State Constitution, assembled at Austin. It was an able body of men, and the object of their meeting was performed well and faithfully.

**Gen. Rusk's Remarks.**—Upon opening the Convention, Gen. Rusk spoke as follows: “We should have one object in view, and that is to enter the great Confederacy with becoming dignity and respect. Let us lay aside all minor considerations, and avoid all subjects calculated to divide us. Let us march boldly and consistently up to the formation of a State Constitution which shall secure to us our rights; shall satisfy our friends abroad; and shall meet the approbation of that God to whose bountiful providence we are so much indebted.”

**Constitution Adopted.**—The Constitution framed by this Convention was submitted to a vote of the people, and adopted in November, 1845, and at the same time, J. Pinckney Henderson† was elected first Governor, and on the

\* Thomas J. Rusk was President of this convention, and James H. Raymond, Secretary.

† James Pinckney Henderson was born in North Carolina in 1809. He studied law, and was admitted to the bar at the age of twenty-one. In 1836, he raised a company of volunteers in Mississippi, and came to Texas. In November, 1836, he was appointed Attorney-General of Texas. In 1837, he was appointed Minister Plenipotentiary from Texas to England and France, to secure the recognition of Texas by those powers. Returning to Texas in 1840, he resumed the practice of law. In 1844, he was appointed one of the Envoyos to Washington, to negotiate a treaty of

same ticket, A. C. Horton,\* first Lieut.-Governor of the State of Texas.

**Henderson's Administration** commenced under favorable circumstances. The annexation of Texas to the United States at once gave to the former credit abroad, as well as a feeling of security among her citizens. Although a heavy debt was pressing upon her, its payment was no longer a doubtful question. Her immense public domain was in itself a mine of wealth. Therefore she offered inducements to settlers equalled by no other State, and the tide of immigration rolled uninterruptedly to her borders.

**War with Mexico.**—The dynasty of Mexico was not willing to see the highly-prized territory of Texas slip from her grasp without an effort to retain it. The Mexican Minister at Washington (Almonte) demanded his passports, and the American Minister at Mexico was refused official intercourse, on account of the annexation of Texas. President Herrera† issued a proclamation declaring "that the annexation of Texas to the United States in no respect affected the rights of Mexico to the former, and that she would maintain it."

**The Question Settled.**—The war between Mexico and the United States followed. Its result is well known to our readers. In this struggle the Texans took an active part, and the Rangers of the "Lone Star State" won many laurels upon bloody fields. In the treaty made at the con-

annexation. In 1845, he was elected a delegate to the convention to frame a State constitution. In November, of same year, he was elected first Governor of Texas. The war with Mexico breaking out, Gen. Henderson took command of the Texas troops, and served with ability and distinction until its close. In 1857, he was elected by the Legislature to the Senate of the United States in place of the lamented Rusk. In spite of feeble health, he repaired to the National Capital, but had scarcely entered upon his duties when he was stricken down by the hand of death.

\* During the absence of Governor Henderson, the executive affairs of Texas were managed with dignity and wisdom, by acting-Governor A. C. Horton.

† President of Mexico.

clusion of this war,\* Mexico forever renounced all claims to the territory of Texas.

**Wood's Administration.**—George T. Wood† was elected second Governor of Texas, and John A. Green, Lieut. Governor, in 1847. The administration of Wood was marked by few events of note. Texas was at peace. The laws were respected. The Indians were comparatively quiet, and population and wealth were flowing into the State with great rapidity.

**1847 to 1849.**—The proceedings of the first and second Legislatures were chiefly directed to putting into successful operation the machinery of the new State Government. Courts were established, public buildings erected or projected, counties organized, towns incorporated, and other growing wants of the new commonwealth provided for.

\* Treaty of Guadalupe Hidalgo.—On the second day of February, 1848, the treaty signed by the Mexican Commissioners and Mr. Trist, at the city of Guadalupe Hidalgo, stipulated that the boundary line should "commence at the mouth of the Rio Grande, three leagues from the land; thence running up the middle of said river to the southern boundary line of New Mexico; thence running along said boundary to its western terminus; thence north along the west boundary of New Mexico, to the first branch of the river Gila; thence down said river to the Rio Colorado; thence crossing said latter river and following division line between Upper and Lower California, to the Pacific Ocean at point one league due south of the southernmost point of San Diego." The treaty also stipulated that "the inhabitants of the territory thus ceded to the United States should be forever protected in rights of person and property; and as soon as practicable, be admitted to citizenship in the United States, and the United States should pay to Mexico the sum of fifteen million dollars in money."

† George T. Wood was a native of Georgia. He came to Texas in 1836. He was a Senator in the first Texas Legislature, was in the Mexican war in command of a regiment of Texas volunteers, and was elected Governor in 1847. He died in Panola county, Texas.

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#### QUESTIONS ON CHAPTER XIX.

Give a summary of the history of Texas up to this time. When did the first Constitutional Convention for the State of Texas meet? Where? Who was President? Secretary? Give Gen. Rusk's remarks on opening the Convention. When was the Constitution framed by the Convention adopted? Who was elected first Governor? Lieut. Governor? What was the condition of Texas at the beginning of the State Government? How did Mexico regard the annexation of Texas? What did the President of Mexico say? How was the question as to the right of Mexico settled? Who was second Governor and Lieut.-Governor? When elected? What was done by the first and second Legislatures of Texas?

## CHAPTER XX.

**Bell's Administration.**—P. Hansboro Bell\* was elected Governor, and John A. Greer, Lieut.-Governor, of Texas, in 1849.

In 1851, Bell was re-elected, at which time J. W. Henderson was elected Lieut.-Governor.

**The Boundary Compromise.**—This was the matter of the greatest moment which transpired during the two terms of Governor Bell. In 1850, the Congress of the United States agreed to pay to the State of Texas ten million dollars, upon condition that the latter should cede to the territory of New Mexico a portion of her Northwestern boundary. An election having been ordered for the purpose, the people of Texas voted to accept the terms offered, and the bargain was concluded.

**Texas in Easy Circumstances.**—This gave to Texas abundant means to pay her indebtedness, and embark with bright prospects upon her future career.

**Indian Affairs.**—In January, 1850, the Indian tribes having again become troublesome, the Legislature of Texas adopted a joint resolution, asking indemnity for depreda-

\* P. Hansboro Bell was a native of Virginia. He came to Texas in 1837. He was for some time in command of the Texas troops upon the Indian frontier. He was elected Governor of Texas in 1849, and again in 1851. He was elected representative to U. S. Congress in 1853, and again in 1855. After his marriage, which took place while he was Representative in Congress, he removed from Texas to North Carolina, where he now resides.

tions committed by Indians upon the border settlers, and asking an adequate force for their protection.

In September, 1850, the Legislature passed a joint resolution demanding the removal from the limits of Texas, of all Indians who had migrated thither from territories of the United States.

**Public Buildings.**—During Bell's official term, the State Capitol, the State Treasury building, the Comptroller's office, and the General Land office, were erected at Austin. The last has since been enlarged, and converted to the use of the Supreme Court.

**J. W. Henderson's Administration.**—Governor Bell was elected to Congress in August, 1853, and between his retirement from the executive office and the inauguration of Governor Pease, in December, the affairs of Texas were administered by J. W. Henderson, acting Governor.

**Colony Claims Settled.**—The third Legislature of Texas passed an act to settle the claims of the colonists introduced into Texas, under contracts between the Republic of Texas, and Peters, Castro, Fisher, and Miller, and others. The law granted to heads of families, under certain conditions, 640 acres, and to single men, under same conditions, 320 acres.

**Pease's Administration.**—Elisha M. Pease\* was elected to his first Term as Governor of Texas, in 1853. At the same time, Doct. D. C. Dickson was elected Lieut.-Gov-

\* Elisha M. Pease was born in Connecticut in 1812. He was educated to the profession of the law. He came to Texas in 1835. He was Secretary of the General Consultation at San Felipe, in 1833. He was chief clerk in the Navy, and also in the Treasury Department under the government *ad interim*, holding the latter post until the adjournment of the first Congress. In June, 1837, he was appointed Comptroller of Public Accounts, by General Houston. This he resigned in December, 1837. After annexation, Gov. Pease was elected successively to the House in the first and second Legislatures of Texas, and Senator in the third Legislature. In 1853, and again in 1855, he was elected Governor. In 1867, he was by General Sheridan, appointed Provisional Governor, which post he resigned in 1869. He now resides at Austin, Texas.

ernor. Pease was re-elected in 1855, and Hardin R. Runnels, Lieut.-Governor, at same time. During Pease's two terms, much of importance to Texas was accomplished.

**Debt of the Republic Canceled.**—During this period the debt of the Republic of Texas, or the "revolutionary debt," as it was called, was finally settled, and Texas stood before the world with a balance sheet in her favor.

**The Asylums Founded.**—In 1855-6, three humane institutions for maintaining and educating the deaf and dumb, and the blind, of Texas, were established and put into operation; and steps were taken for the erection of a hospital for the insane. One hundred thousand acres of land were set apart as a permanent capital for the support of each of these asylums.

**Other Public Buildings.**—The New Land Office and the Executive mansion were also built about the same time.

**Criminal Code.**—During Pease's term, the penal code and code of criminal procedure of Texas, substantially as they now exist, were adopted and put in force.

**A Permanent School Fund.**—The fifth Legislature, in accordance with Executive recommendation, appropriated \$2,000,000 of the U. S. bonds received in settlement of the Northwest boundary compromise, as a permanent school fund. This was the first practical step in the direction of establishing common schools in Texas.

**Railroad Act.**—The fifth Legislature also passed a law granting to railroads sixteen sections of land per mile, for every mile of road in actual operation, after the completion of the first twenty-five miles; also, tendering to them a loan of money under certain conditions. This law

had the effect to give a great impetus to the railroad interests of Texas.

**Cart War.**—In 1856, occurred what is known as the Cart war. The principal hauling of goods from the coast to San Antonio, had been done by Mexican teamsters with their carts drawn by bullocks. These teamsters were employed on account of the low wages for which they were willing to work. The Texan wagoners, unable as they said to work for the same prices, brought about several minor collisions with the Mexicans, which at length resulted in general hostilities between the teamsters. Several were killed, and affairs assumed so serious an aspect that the Governor was forced to order out the State troops to suppress the trouble.

**Indian Reserves.**—With a view of encouraging friendly relations with the Indians, the fifth Legislature of Texas passed an act setting aside twelve leagues of land for the sole use of the various Indian tribes. Upon this territory the Federal government was invited to establish posts and trading stations.

An Indian agent was appointed to carry out the plan of locating the Indians, and protecting them in their rights. These measures of pacification seemed for a time to promise well, but bad management on the part of the whites, and bad faith on that of the savages, has since resulted in repeated collisions, which have caused the abandonment of the reservations.

**Important Law in Regard to Wills.**—In January, 1856, the Legislature of Texas passed the following act: "All persons are hereby authorized and permitted to dispose of their own estates, real and personal, by wills or otherwise; and the 13th and 15th sections of the act of January 28, 1840, and all others conflicting with this, shall

be and are hereby repealed." Previous to this time, a testator having children, could not legally dispose of more than one-fourth of his property, except for certain purposes specified in the law.

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#### QUESTIONS ON CHAPTER XX.

Who was elected Governor of Texas in 1849? Who Lieut.-Governor? Who in 1851? What compromise was effected in 1850? What was done about Indian affairs? What public buildings were erected during Pease's administration? When was Bell elected to Congress? Who was acting Governor? What was done about colony claims? Who was made Governor in 1853? Who Lieut.-Governor? Who in 1855? What debt was canceled at that time? What asylums were founded in '55-6? How were they provided for? What other public buildings? What was done for common schools? What for railroads? What important laws were made? What war took place in 1855? Tell about it. Tell about the Indian reservations. What railroad acts were passed by fifth Legislature?

## CHAPTER XXI.

**Runnels' Administration.**—Hardin R. Runnels,\* was elected Governor, and Frank R. Lubbock, Lieut.-Governor, of Texas, in 1857.

**Public Buildings.**—During Runnels' term, the State Lunatic Asylum, two miles north of Austin, was erected. A new edifice for the institution for the education of the blind was also built. The proceedings of the Legislatures of 1857 and 1858, exhibit little of special interest.

**Sectional Hostilities.**—During the years 1857 to 1860, the spirit of bitterness which had long existed between the Northern and Southern United States on the question of slavery, was sensibly felt in Texas polities, and yearly increased in intensity.

**Election of 1859.**—In this election, the candidates presented to the people of Texas for the gubernatorial chair were H. R. Runnels, who had held the office one term, and General Sam Houston. The canvass was warm and excited, and resulted in the election of Gen. Houston, who was inaugurated in December of that year. Col. Edward Clark was at the same time elected Lieut.-Governor.

**Cortina War.**—Soon after Houston became Governor, troubles broke out upon the Rio Grande frontier, in

\* Hardin R. Runnels was born in Mississippi. Came to Texas about the year 1842. Was Speaker of the House of Representatives in 1853. Was Lieut.-Governor of Texas during Pease's second term of office. Was elected Governor in 1857. He now resides in Bowie county, Texas.

consequence of depredations committed by the Mexican adventurer, Don Juan N. Cortina\* and his followers, numbering near four hundred men. Much excitement prevailed in western Texas, and many volunteered for a campaign. By authority of the Legislature, troops were called out, and vigorous hostilities were entered upon against the insurrectionists, which, in a few months, resulted in driving them across the borders into Mexico.

**Disunion in Texas.**—The election of Abraham Lincoln to the Presidency of the United States in the fall of 1860, was the signal for the outbreak of the storm which had been so long gathering over the American Union, and its thunders were soon heard in Texas. Its culmination was delayed by the prudence of the aged and clear-headed statesman who was then at the head of the Texas State Administration. The cry for secession, which at first was by no means general, rapidly gained strength.

**An Extra Session.**—Governor Houston for some time withheld the efforts made to induce him to convene the Legislature in extraordinary session. He issued an address, saying in effect: "that he desired to conform to the will of the people; that he believed the people should take a firm stand in defence of their rights, but that he opposed the individual secession of States; and to secure united action, he recommended a consultation of all the Southern States."

**The Governor too Slow.**—But the calm advice of the Executive by no means comported with the haste of the friends of secession. His position was considered undecided and temporizing; and they insisted upon immediate action.

\* J. N. Cortina, a man of singular daring and energy, is still from time to time exciting public attention in Mexico

## QUESTIONS ON CHAPTER XXI.

Who was elected Governor in 1857? Who Lieut.-Governor? What public buildings were erected during that and the next year? What feeling gained ground between 1857 and 1860? Who was elected Governor in 1859? Who Lieut.-Governor? What trouble took place on the Rio Grande border? Tell about it? What was the signal for secession? What was the position of Governor Houston? What did he say in his address? Did this advice suit the friends of secession?

## CHAPTER XXII.

**A Convention.**—A call was made by sixty-one individuals for a convention to meet at Austin. Upon this call, and in obedience to its recommendation, an election was held, and delegates chosen. This assembly convened at Austin on January 28th, 1861.

**The Legislature Convened.**—Governor Houston, meanwhile, in order to secure a full expression of the will of the people, and also to avoid a collision between the State authorities and the convention, issued his proclamation calling together the State Legislature, which assembled at Austin, January 22d, 1861.

**The Governor's Message.**—When the Legislature had organized, the Governor addressed them a message, saying: "that he did not approve the calling of a convention at that time; that he believed that by calmness and prudence the union of the States could yet be preserved."

**The Legislature Endorses the Convention.**—But the Legislature, by a joint resolution, sanctioned the meeting of the convention, which a few days afterward assembled.

**Secession Accomplished.**—An ordinance of secession was, upon the 5th day of February, 1861, passed by the Convention by a vote of 166 ayes, to 6 nays. This action was submitted to the people for ratification or rejection, on the 23d day of the same month; and was endorsed by a

vote of 34,794 for secession, and 11,235 against. The vote of Texas, in the presidential election the previous fall, had been 63,000.

**The Southern Confederacy.**—On the 5th day of March, 1861, the Convention instructed delegates from Texas to apply for her admission into the Southern Confederacy. The Convention also passed an ordinance requiring all officers of the State Government to appear before that body, and take an oath of allegiance to the new government.

**Governor Houston Declines.**—This ordinance not being complied with by the Governor, the Convention declared his office vacant, and directed Lieut.-Governor E. Clark, to assume the Executive duties. The Secretary of State, E. W. Cave, and the Superintendent of the State Lunatic Asylum, Doct. B. Graham, also failing to take the required oath, were removed by the incoming Governor.

**Gov. Houston Retires.**—Governor Houston left\* his official chair on the 18th day of March, 1861. This was the end of his public career. He retired to the privacy of his home in Huntsville, Walker county, where he died in July, 1863.

**His Memory.**—His well-earned fame, and the remembrance of his virtues, are alike the property of his countrymen. The praise of the historian is not needed to magnify the one, nor could his silence or his censure detract from the other.

\* The Convention of 1866 passed an ordinance recognizing his claim to his office and salary, during the unexpired term, and ordered the payment of the amount. The following is the ordinance:

"Resolved, That his Excellency, A. J. Hamilton, Provisional Governor of this State, be authorized and requested to cause to be paid out of any money in the Treasury of this State, not otherwise appropriated, to the widow of Gen. Sam Houston, the sum of nineteen hundred and twenty-five dollars, the amount due him as Governor elect of this State for the full term for which he was elected." Passed March 27, 1866.

**Clark's Administration.**—On the 18th day of June, 1861, Governor Clark\* issued a proclamation forbidding all intercourse with people of the Northern States, suspending all existing contracts, and declaring null all that should be made during the war; also warning all citizens of Northern States to depart from Texas within twenty days.

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#### QUESTIONS ON CHAPTER XXII.

How was the call for a convention made? When did it meet? When did the Governor call the Legislature? Why did he call it? What message did he send to it? What did the Legislature do? What was done, Feb. 5, 1861? Did the people ratify? By what majority? What had been the vote of Texas the fall before? What did the Convention do, March 5, 1861? Did the Governor comply? Who then became Governor? What other officials declined to take the oath? When did Gov. Houston retire? When did he die? What about his memory? What proclamation did Gov. Clark issue, June 18, 1861?

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\* Edward Clark is a native of Georgia. He was a member of the Constitutional Convention of 1845. He was a member of the House in the first Legislature of Texas, and Senator in the second. He was Secretary of State under Governor Pease. He was elected Lieut.-Governor in 1859, and became Governor on the retirement of Gen. Houston, in 1861. He now resides in New Orleans, La.

## CHAPTER XXIII.

**Lubbock's Administration.**—The election of August, 1861, resulted in the choice of Frank R. Lubbock,\* for Governor, and John M. Crockett, for Lieut.-Governor of Texas. This administration was inaugurated the next December. During Lubbock's term of office all the energies of the State were directed to furnishing soldiers for the army of the Confederate States, and contributing to their support. Not less than sixty regiments, containing as many men as there were voters in the State, were by conscription and voluntary enlistment, enrolled for military duty.

**Army Supplies.**—The fertile plains of Texas produced during the years 1862-3 and 4, more than usually abundant crops. Immense quantities of breadstuffs were by her annually furnished to the armies in the field. Tens of thousands of cattle were also yearly driven from her prairies across the Mississippi river to feed the soldiers of the Confederate States.

**The Sibley Expedition.**—In 1862, an unfortunate expedition was set on foot against the U. S. military posts in New Mexico. The command consisted of thirty-five

\* Frank R. Lubbock is a native of South Carolina. He came to Texas in 1836. He was for a short time Comptroller of Public Accounts, during the existence of the Republic of Texas. He was for many years Clerk of the District Court of Harris county, which position he filled with marked ability and fidelity. He was elected Governor of Texas in 1861. He now resides in Houston, Harris county, Texas.

hundred volunteers under the general command of Gen. G. H. Sibley. After many privations and much hard fighting, the expedition returned, having lost many of their number, and failed to accomplish the object of their mission.

**Galveston Taken.**—In October, 1862, Galveston island surrendered to the U. S. forces under Commodore Renshaw.

**Again Occupied.**—During the latter part of the year 1863, the coast of Texas, from the lower Rio Grande as far east as the bay of Matagorda, was temporarily occupied by the Federal forces under General Banks.

**Galveston Re-taken.**—On the night of January 1, 1863, Galveston was re-taken by the Confederate forces under General Magruder. Several Federal gunboats were destroyed, and a part of the Forty-second Massachusetts regiment taken prisoners.

**Blockade Running.**—Many cargoes of valuable assorted merchandise were successfully run through the lines of the blockading squadron into Texas; and many wagon-trains, loaded with articles of necessity and luxury, were transported overland by way of Mexico. By these means, those who were possessed of sufficient money, especially in western Texas, were able to obtain many articles of comfort and domestic utility.

**Paper Money.**—The paper money of the State of Texas, and the treasury notes of the Confederate States, which at first passed current at something near the value of gold, rapidly depreciated in value, and in 1864, became more worthless than had been the “*red-backs*” of the Republic, representing at last but two-and-a-half cents on the dollar, or forty for one. Gold and silver coin had suddenly disap-

peared from circulation early in the war,\* but after its close, reappeared almost as suddenly.

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#### QUESTIONS ON CHAPTER XXIII.

Who was elected Governor of Texas in 1861? Lieut.-Governor? What was done during Lubbock's term? How many troops did Texas furnish? What is said about the supplies furnished by Texas? What expedition was sent out by Texas in 1862? Was it successful? What part of Texas was taken by Federal troops? When? Was it held by them during the war? When retaken? What other invasion occurred? What about blockade running? What other mode was adopted to bring supplies to Texas? What about the paper money then in circulation?

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\* The following will give the reader some idea of the value of paper money in Austin, in 1864. The only apology given for its introduction is that it gives a true picture of the currency at that time. Scene is laid in a first-class drug-store in Austin.

Enter Proprietor and Clerk:

Prop.—“John, what is Confederate money worth to-day?”

John.—“Forty for one.”

Prop.—“Please go around to the tax-office and see if any taxes are due to-day.”  
Clerk goes out and soon returns.

John—“Yes, sir; there are several taxes due to-day—namely: quarterly tax on sales, thirty per cent on profits, five per cent *ad valorem*, and income tax, amounting in all to ten (10) thousand dollars.”

Prop.—“All right, pay them.”

Enter customer.

Cust.—“Got any quinine?”

Prop.—“Yes.”

Cust.—“How much an ounce?”

Prop.—“Two hundred and fifty dollars.”

Cust.—“How do you take Confederate money?”

Prop.—“Forty for one, for *old issue*.”

Cust.—“How much for *new issue*?”

Prop.—“Twenty for one.”

Cust.—“How much for one hundred dollar bills?”

Prop.—“Interest or non interest?”

Cust.—“Non-interest.”

Prop.—“Forty for one, with an additional discount of thirty-three and a third per cent, and ten per cent further deduction for each month since July.”

Cust.—“How much would that be?”

Prop.—“Don't know—figure it up yourself.”

Cust.—“How do you take State warrants?”

Prop.—“Same as *new issue*.”

Customer buys his quinine, and an ounce of laudanum, which is put into a junk bottle, and stopped with a corn-cob, and then retires.

## CHAPTER XXIV.

**Murrah's Administration.**—Pendleton Murrah\* was elected Governor of Texas, and F. T. Stockdale, Lieut.-Governor, in August, 1863. His term of office is signalized by little save the war for secession then raging, in support of which all the energies of the State were bent.†

**Manufactures in Texas.**—During the year 1863, the mills at the Texas State Penitentiary at Huntsville produced about two and a half million yards of cotton, and a quarter of a million yards of woolen cloth. During that and the next year, many thousand pounds of powder, hundreds of thousands of percussion caps, and several batteries of field-pieces, were manufactured at the State factories, at Austin, and elsewhere.

**Surrender of Texas.**—The surrender of Lee and Johnston, and the close of the war in the Eastern States,

\* Pendleton Murrah was a native of Alabama. He came to Texas and settled in Harrison county, where he devoted himself to the practice of law. He was a member of the State Legislature in 1857. He was elected Governor of the State in 1863. He went to Mexico after the close of the war, in June, 1865, where he shortly afterward died.

† Gov. Murrah's message to the Legislature, May, 1865, contained a detailed statement of the condition of the State at that time, and an extract from it is given here. Alluding to the currency, he says, after speaking of the greatly depreciated Confederate money: "The question is now presented to you whether the State shall continue to receive the currency (Confederate) at par, and if so, whether she can continue to conduct her own operations, and discharge her pecuniary obligations."

Again, in alluding to the demoralized condition of society, he says: "Imperative duty compels me to call your attention to the fearful demoralization and crime prevailing throughout the State. The voice of the law is hushed, and its authority seldom asserted. It is a dead-letter—an unhonored thing upon the pages of the statute-book."

was soon followed by the surrender of Texas by E. Kirby Smith. Gov. Murrah thereupon issued a proclamation\* ordering an election of delegates to a convention to restore Texas to the Union. A few days afterward he abandoned the State capital and went to Mexico.

**The Interregnum.**--During the period which intervened between the surrender of Texas, and its occupation by the Federal authorities, great suspense and anxiety prevailed among the people.

**The Soldiers Disbanded.**--For two or three weeks each part of the State was in the dark as to what was transpiring fifty miles distant. The mails stopped; there were no public conveyances of any kind; the functions of all officers, both civil and military, were considered at an end. Twenty thousand soldiers who had been in the service several years without pay, were suddenly disbanded, and were traversing the State in all directions on their way to their homes; yet beyond the noise and disorder which prevailed, no trouble ensued. The soldiers were also citizens. Their chief desire was to get home; and at the end of the time above mentioned, the State was in comparative quiet.

**The State Treasury Robbed.**--On the night of the 11th June, 1865, a band of armed men entered the State Treasury building at Austin, and having ent open two of the safes, rifled them of the money therein. The amount thus taken is not positively known.

**Hamilton's Administration.**--A. J. Hamilton,† who

\* The proclamation above alluded to was not regarded.

† A. J. Hamilton was born in Madison county, Alabama, January 28, 1815. Was admitted to the bar in 1841. Was married in 1843. He came to Texas in 1846. Settled first in LaGrange, and moved to Austin in 1849. In 1851 he was appointed by Governor Bell, Attorney-General of Texas. In 1851, was elected Representative to the State Legislature from Travis county, and served in the same capacity in 1852. In 1856, was chosen elector on the Buchanan ticket. In 1859 was elected as an independent candidate, Representative to Congress from the Western district of

had in the meantime been appointed by President Johnson, Provisional Governor of Texas, reached Galveston, and on the 25th day of July, 1865, proclaimed his authority, and in the fall following, ordered an election for a reconstruction convention.

**Emancipation.**—General Gordon Granger issued his general order declaring free the slaves of Texas on the 19th of June, 1865; and each anniversary of this day is celebrated by the colored people of this State.

**An Amnesty.**—An oath of allegiance to the Federal Government was required to be taken by all citizens of Texas; and a general amnesty, with some exceptions, was granted.

**Financial Condition.**—A committee\* appointed in July, 1865, to examine into the finances of Texas, reported the total indebtedness of the State to be \$8,714,065.67. This amount includes the war debt, which was afterward declared void by the Convention; leaving the debt proper of the State less than half a million dollars.

**Cash on Hand.**—The amount of cash on hand at the same time, as shown by report of James H. Raymond, was \$419,065.37.

#### **Reconstruction Convention.**—This Convention,

Texas, defeating Gen. T. N. Ward, the Democratic nominee. Gen. Hamilton was one of the few from the South who stood at their posts in Congress, until after secession was accomplished. He returned to Austin in March, 1861, to find himself the Union candidate for the State Senate, from the counties of Travis, Hays, and Bastrop. To this post he was elected, but did not take the requisite oath, nor appear in the Senate Chamber. In 1862, Gen. Hamilton left his home in Texas, and went by way of Mexico to Washington city. In November, 1862, and again in September, 1863, he was appointed Brig.-Gen. of volunteers, and Military Governor of Texas. In June, 1865, he was appointed by President Johnson, Provisional Governor of Texas, which post he held until May, 1866. In 1867, he was appointed Associate Justice of the Supreme Court, which post he held until September, 1869. Gen. Hamilton was elected a delegate to the second Reconstruction Convention, which assembled at Austin, in June, 1868; and was an acknowledged leader in that body. He now resides at Austin, Texas.

\* E. M. Pease and Swante Palm.

elected by virtue of the proclamation of Gov. A. J. Hamilton, assembled at Austin, February 10, 1866. An ordinance was adopted declaring the secession of Texas a nullity, and renouncing all future right to secede.

Another was adopted declaring all debts contracted in aid of the late war null, and forbidding any subsequent legislation looking to their payment.

A third declared all the proceedings of the Convention of 1861 void.

Thus in the same month in which five years before Texas had declared her right to withdraw from the Federal Union, did she with equal emphasis, forever renounce that right, and profess her readiness to return to her fealty.

**Constitution Amended.**—The Constitution of Texas was so amended by this Convention, as generally to conform to the Constitution and laws of the General Government; and these amendments were afterward ratified by a vote of the people.

**Election for State Officers.**—An election for State officers was ordered to take place July 25, 1866; and Dr. James W. Throckmorton,\* was chosen Governor, and

\* J. W. Throckmorton is a native of Sparta, Tennessee. Born February 1, 1825. He came to Texas in 1841, and settled in what is now Collin county, then part of Fannin. In 1851, was elected Representative to the State Legislature. Served in that capacity until 1856, when he was elected State Senator, which position he held until 1861. He was elected delegate from Collin county to the Secession Convention of 1861. Was one of the six who voted against the ordinance of secession, and did not sign it. After secession was accomplished, Gov. Throckmorton, having raised a company, enlisted in the army, and was in active service in the States of Arkansas, Mississippi and Louisiana, until the fall of 1863, when he was disabled by severe illness. At this time he was elected to the State Senate, where he served during the sessions of 1863 and 1864. In 1864, he was appointed Brig.-General of State troops. In 1865, was appointed by Gen. E. Kirby Smith a Commissioner to negotiate treaties with the different wild Indian tribes on the Texas border. He returned in June, 1865, having made treaties in conjunction with the agents of the friendly tribes, with the Comanches, Kiowas, Lipans, Arrapahoes, Cheyennes, and others. He was elected a delegate to the Constitutional Convention of 1866, and was President of that body. In June, 1866, was elected Governor of Texas; was inaugurated August 8, 1866, and was removed by military order, August 9, 1867. He now resides in Collin county, Texas.

George W. Jones, Lieut.-Governor. Gov. Throckmorton was inaugurated August 18, 1866; and at the same time, the State officers were, by order of the President, transferred from military to civil authority.

**The Indians Troublesome.**—In 1866, and indeed for several years thereafter, the roving Indians upon the borders of Texas became more than usually troublesome. The eleventh and twelfth Legislatures each passed laws authorizing the raising of troops for frontier defence, and repeatedly called upon the General Government for protection. The Legislature of 1871 passed the following resolution, March 15 :

*Resolved*, That the Congress of the United States is hereby petitioned to send a joint committee from both Houses to the frontiers of Texas, to inquire into, and report upon the facts set forth in the preamble\* to this resolution, to the end that the State of Texas may be protected by the United States against further invasion."

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#### QUESTIONS ON CHAPTER XXIV.

Who was elected Governor of Texas in 1863? Who Lieut.-Governor? What was done during Murrah's administration? How much cloth was made by the State Penitentiary mills in 1863? What amount of powder, caps, etc.? When was Texas surrendered? What did Gov. Murrah do? Who was appointed Provisional Governor? When did he come? When and by whom were the slaves declared free? What was required of the citizens of Texas? What about the finances? When did the Convention meet? What ordinances did it adopt? What else was done? When was the election for State officers? Who was elected? What is said about the Indians between the years 1866 and 1871? What resolution was passed in 1871?

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\* The preamble enumerates the depredations committed by the savages.

## CHAPTER XXV.

**Again Under Military Rule.**—In March, 1867, Texas was again, by act of Congress, made subject to military rule. Gen. P. H. Sheridan was placed in command of the fifth military district, including Texas.

In August, 1867, Gov. Throockmorton was, by military order, removed, and E. M. Pease declared Provisional Governor in his stead.

**Another Convention.**—A general registration\* of all the legal voters of Texas having taken place, an order was issued in December, 1867, for the election of delegates to a Convention to frame a constitution for the State. This election was held in February, 1868.

**Reynolds in Command.**—In May, 1868, General J. J. Reynolds was assigned to the Department of the Gulf, including Texas.

**Second Convention.**—This body met at Austin in June, 1868. Gen. E. J. Davis was chosen its President.

An ordinance was adopted, declaring the ordinance of secession, passed in 1861, null and void, *ab initio*.

A new constitution† for the State of Texas was also adopted.

\* *Registration Law.*—Measnres are before the 13th Legislature of Texas now in session, looking to the repeal of this law, and also the amendment of the election law, militia law, and school law, but nothing has yet been definitely accomplished.

March, 1873.

THE AUTHOR.

† See page 141, for this Constitution.

This Constitution was submitted to a vote of the people for ratification or rejection, in November, 1869; and was almost unanimously adopted.

**State Officers.**—At the same time a general election was held for State officers, *Representatives to Congress*, and members of the State Legislature.

Edmund J. Davis\* was made Governor, and J. W. Flannigan,† Lieut.-Governor, of Texas.

**No Presidential Election.**—By an act of Congress the people of Texas, in common with other Southern States, were excluded from voting in the Presidential election of November, 1868.

**Disastrous Floods.**—In the summer of 1869, heavy and long-continued rains fell in Texas, especially in Western Texas; and great freshets followed in the San Antonio,

\* Edmund J. Davis is a native of San Augustine, East Florida. He came to Texas in 1848. While yet in his minority, he was admitted to the bar in 1849, and went to the Rio Grande. He resided in Webb and Cameron counties until the breaking out of the war for secession. He was Deputy Collector of Customs at Laredo from 1850 until 1853. In the latter year he was elected District Attorney of that district; and in 1855 was elected judge of the same (12th) district. To this position he was re-elected, and continued in its occupation until secession was accomplished in 1861, when, refusing to take the oath of allegiance to the Confederate States, he left the office. In 1862 he went to the Northern States, and in October was commissioned Colonel of the 1st Texas Cavalry, U. S. Volunteers, which regiment he raised from refugees from Texas. In March, 1863, while at the mouth of the Rio Grande in Mexico, for the purpose of embarking his family, he was captured by a party of Confederate soldiers who crossed the river in the night, and surrounded the house of the Mexican commandant, where he with his family was. After three days he was released upon demand of the Mexican authorities. He returned to New Orleans, and was employed in various military services until the close of the war. He was appointed Brig.-General of U. S. Volunteers in November, 1864, and was finally mustered out of service in September, 1865. Having returned to his home in Corpus Christi, he was elected a delegate to the Convention which met at Austin in February, 1866. In September, 1867, he was tendered by Gen. Griffin the appointment of Chief Justice of the State, but declined. In January, 1868, he was elected a delegate to the second Reconstruction Convention which assembled at Austin in June of that year, and was President of that body. Was by it chosen one of the six Commissioners to lay before the authorities at Washington the new Constitution of the State. In November, 1869, he was elected Governor of Texas, which position he now holds.

† J. W. Flannigan was afterward elected U. S. Senator, and Don Campbell, as President of the Senate, became *ex-officio* Lieut.-Governor.

Cornal, Gnadaloupe, Colorado,\* and other rivers. Thousands of acres of land, teeming with rich crops of corn and cotton, were submerged. Many lives were lost, and millions of dollars worth of property destroyed.

**Texas Re-admitted.**—The Legislature of Texas, which met in 1870, adopted the fourteenth and fifteenth amendments to the Constitution of the United States; and our Senators and Representatives were once more admitted to a seat in the halls of the Federal Congress.

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#### QUESTIONS ON CHAPTER XXV.

What occurred in March, 1867? Who was in command? What change was made in the Governorship? What steps were taken to ascertain the legal voters of Texas? What election was then ordered? Who was next placed in command of the Department of the Gulf? When did the second Reconstruction Convention meet? Who was President of it? What ordinances were passed? Who was elected Governor and Lieut.-Governor? What act of Congress is alluded to? What is said about floods in Texas? What about floods in the Colorado?

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\* Floods in the Colorado.—“There have been but three overflows in the Colorado since I have been in the country, and these have occurred each ten years. The first was in 1823; the next in 1833; and the last in 1843. From the fact they have been regular since we have known the country, we expect to be inundated every ten years. In 1823 it occurred in February; in 1833 in May; in 1843 in February.” From J. C. Raymond’s almanac for 1873, I extract as follows: “The following shows the time of the most notable floods in the Colorado since the settlement of Austin:

February, 1843, River rose about 36 feet. July, 1869, River rose about 42 feet.  
March, 1852, “ “ “ 36 “ October, 1870, “ “ “ 36 “

The bed of the river is several feet higher at Austin than in 1852.

I extract the first part of the above from a book entitled: “*Dewee’s Letters from Texas.*” The statements are incorrect. The ten year theory is unsupported by facts. I am assured by old citizens that the Colorado bottoms were overflowed in 1835, and in other years within the time comprehended, and not mentioned by him. The overflows in the Texas rivers, like the rains in this State, are uncertain and irregular.—AUTHOR.

## CHAPTER XXVI.

**Davis' Administration.**—Governor Davis was inaugurated Governor of Texas in April, 1870. His administration has been marked by much of interest and importance to the State.

**State Militia and Police.**—By authority of the twelfth Legislature, the militia of the State, comprising all able-bodied men between the ages of 18 and 45 years, with certain exceptions, have been enrolled and organized.

There has also been organized and equipped, a State Police, which may consist of two hundred and twenty-five men, who are stationed for duty in all the organized counties of the State. This force is under the general command of the Adjutant-General at Austin, and is for the purpose of suppressing lawlessness, and enforcing the jurisdiction of the courts, and the dignity of the laws, wherever and whenever needed. All sheriffs and their deputies, and all constables and their marshals, are made by the law a part of this organization; and judges of courts may, when necessary, call upon this force to maintain their authority.

**Public Schools.\***—To carry into effect the provisions

\* On the 1st day of January, 1873, the report of the Superintendent of Public Instruction shows the condition of the free schools of Texas to be as follows :

Total cost of maintaining the schools during the year, \$1,222,221.24 ; whole number of children in the State within the scholastic age, 228,355 ; whole number in the schools during the year, 127,672 ; average attendance during same time, 81,653 ; whole number of teachers examined and who have received certificates, 6,583 ; actual number of teachers employed during the year, 2,025 ; average cost per month for education of each pupil, \$1.43.

of the Constitution, and the laws enacted thereunder, the Governor, in 1871, appointed Hon. J. C. DeGress, Superintendent of Public Instruction.

Under his executive management, the school system of Texas has been put in complete and successful operation, and one hundred thousand children are now (December, 1872,) attending the public free schools.

**Registration.**—An act of the twelfth Legislature provides “that any citizen of the United States (or one who has declared his intention to become a citizen) who has resided one year in Texas, and sixty days in the county where he offers to register; or one who was a citizen of Texas at the time of the adoption of the Constitution, is twenty-one years of age, and not otherwise disqualified,” shall, upon his application, be registered by the Registrar of the county, and furnished with a certificate of registration. Complete lists of those registered are required to be made out and kept at each place where elections are held, and no person is permitted to vote at any election whose name does not appear on the registration list. This act is in pursuance of, and in obedience to, Sec. 1, Art. 3, State Constitution.

**Homestead Exemption.**—The same Legislature also passed an act “exempting from forced sale the homestead of a family, not exceeding two hundred acres of land; (not be-

Condition of School Fund January 1, 1873 :—Specie, \$40,708.43; U. S. currency, 64,089.12; 6 per cent U. S. bonds, 70,800; 5 per cent U. S. bonds, 271,250; railroad bonds and interest, 2,173,278.44. Total, \$2,620,125.99. Also, 2,763,072 acres of land estimated to be worth now \$2,763,072.

*Synopsis of School Law.*—This law, passed and amended in 1871, provides that there shall be a Superintendent of Public Instruction, who shall have general executive control of the educational interests of the State. The Superintendent shall appoint a Supervisor for each educational district (of which there are twelve) who shall have general supervisory control of the schools in their respective districts. The Board of Education, consisting of the Governor, Attorney-General, and Superintendent of Public Instruction, makes all the rules and regulations, provides for examination and appointment of teachers, adopts books for use in the schools, etc., etc. The local school directors have the charge of the location and building of school-houses, and the control of the minor details.

ing in any city, town or village) or any city, town or village lots not exceeding in value \$5,000, without reference to the improvements thereon." Also, "all household furniture and implements of husbandry; tools and apparatus of any trade or profession; all books of public or private libraries; five milch cows and their calves; two yoke of oxen; two horses and one wagon; one carriage or buggy; one gun; twenty hogs; twenty head of sheep; all provisions or forage on hand for home consumption; and one horse, saddle and bridle." This act is in obedience to Art. 12, Sec. 15, State Constitution.

**Other Exemptions.**—Another law provides that all buildings used for educational or religious purposes, with their furniture, apparatus, and libraries, and ten acres of ground, shall be exempt from taxation.

**Marital Rights.**—The following is the law in Texas on this subject: "All property owned by either party before marriage, remains the separate property of husband or wife after marriage; and such as may be acquired by either *gift* or *descent*, after marriage, becomes the separate property of the one so receiving or acquiring it. The homestead cannot be sold unless the wife joins in the conveyance. All property acquired during the marriage relationship, in any other way than by gift or descent, is the common property of both. On the death of either, the survivor becomes the owner of all the property, unless there be children, in which case the children possess one-half."

**Wills.**—According to law in Texas, any person of sound mind, aged twenty-one years or over, can make a will, which, if in his own handwriting, can be proved and probated without witnesses; if not in his own writing two witnesses are required.

**Limitation Laws.**—Open accounts are barred from collection by law in two years. Promissory notes in four years. Judgments in ten years. Five years of uninterrupted possession and occupation of land, the occupant in the meantime paying the taxes thereon, invests the said occupant with legal title to the land, provided he has a registered deed to the same, although the deed itself may be fraudulent or invalid.

Ten years of such uninterrupted occupation results in ownership without any other shadow of claim.

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#### QUESTIONS ON CHAPTER XXVI.

When was Gov. Davis inaugurated ? By what was his administration marked ? Give the main features of the Militia and State Police laws. When was the common school law put in force ? Under whose superintendence ? How many scholars are now in attendance ? Give the features of the registration law ? What important exemption laws were passed by the twelfth Legislature ? Give a synopsis of them as contained in this chapter ? What is the law in Texas in regard to marital rights and descent of property ? What about wills ? What about limitation laws ?

## CHAPTER XXVII.

**The Judiciary.**—The Constitution of 1845 provided that the “Judges of the Supreme and District Courts should be appointed by the Governor, by and with the consent of the Senate.”

In 1849, the Constitution was so amended as to provide for the election of the judges. The present Constitution of Texas again makes the judgeship to be filled by appointment of the Governor, subject to the ratification of the Senate.

**Courts.**—The State is divided into judicial districts. Each district judge holds court three times a year. These Courts have general law jurisdiction, criminal and equity; and are also courts of appeal from the justices’ courts.

The Supreme Court is the highest State court, and has appellate jurisdiction. It consists of a Chief Justice and two Associates.

The justices’ courts are held monthly in the various precincts of each county. The justices are elected by the voters at the general election, and there are five in each county. These courts have jurisdiction to the amount of one hundred dollars.

Three justices constitute a County Court, and enjoy such powers as are usually conferred upon these courts.

**Bureau of Immigration.\***—To encourage immigra-

\* *Bureau of Immigration.*—The arrivals of immigrants at the port of Galveston, as stated in a communication from Gustav Loeffler, Superintendent of the Bureau,

tion, and also to enlighten the outside world as to the inducements offered by Texas to immigration, and more especially to skilled laborers, the present Executive, under a law of the twelfth Legislature, passed in pursuance of Art. 11, State Constitution, has organized a Bureau of Immigration, by appointing a "Superintendent of Immigration," whose duties are defined in the statute.

**Carrying Deadly Weapons.**—An act of the twelfth Legislature makes it a penal offence, and punishable by a heavy fine and imprisonment, to carry deadly weapons upon the person "except for self-defence, and to ward off a threatened attack."

**Important Land Law.**—To carry into effect Sec. 8, Art. 10, State Constitution, the same Legislature also passed an important land law, granting to every head of a family having no homestead, one hundred and sixty acres of any vacant State land, upon condition of selection, survey and occupation of same for three years; and to every single man eighty acres on similar conditions, provided that they may at once become owners of the land by payment of one dollar per acre to the State.

**Internal Improvements.**—The twelfth Legislature of Texas, at its regular and called sessions, did much to encourage internal improvements and manufactures, by means of both foreign and domestic capital.

to the Texas Almanac, during the first ten months of 1872, were as follows:

January	4,810	persons of whom	364	were from Europe.
February	3,251	" " "	136	" " "
March	3,004	" " "	117	" " "
April	2,647	" " "	112	" " "
May	2,950	" " "	707	" " "
June	2,102	" " "	112	" " "
July	1,757	" " "	112	" " "
August	2,077	" " "	183	" " "
September	2,686	" " "	323	" " "
October	4,243	" " "	1,276	" " "
Total.....	29,527		3,442	

Several grand trunk and tap railways were chartered, and State aid granted for their construction.

Many transportation and navigation companies, bridge companies, and many insurance, real-estate, and banking associations were incorporated.

Manufacturing enterprises of every description, also received such assistance as they needed.

**Present Condition of Texas.**—To conclude our little book it is proper to say that the present condition of our State is such as to promise a bright future.

Peace prevails throughout our borders. The majesty of the laws is respected more than ever before. Churches and school-houses are upon all our hills and in our prairies.

The scream of the locomotive and the whistle of the steam manufactory are heard on all sides. The hum of busy industry rises upon every breeze. Additional thousands of acres of fertile land are yearly being upturned by the plow of the husbandman. Old communities are becoming more united, while new ones are springing up in every part of the State; while from the four quarters of the globe the unceasing flood of immigration comes pouring in.

Protected by wise and just laws, and under the eyes of that mighty Federation of which we are an integral part, let us hope a generation is coming forward, in whose hearts will be blended a just pride of State, a profound respect and loyalty for the National Government, and a love and reverence for that merciful God to whose overruling providence we as a people owe so much.

*A List of the Governors of the State of Texas:*

J. PINCKNEY HENDERSON	from 1846	to 1847	Elected.
GEO. T. WOOD	" 1847	" 1849	"
P. H. BELL	" 1849	" 1853	"
E. M. PEASE	" 1853	to 1857	"
H. R. RUNNELS	" 1857	" 1859	"
SAM HOUSTON	" 1859	" 1861	"
F. R. LUBBOCK	" 1861	" 1863	"
PENDLETON MURRAH	" 1863	" 1865	"
A. J. HAMILTON	" 1865	" 1866	Provisional.
J. W. THROCKMORTON	" 1866	" 1867	Elected.
E. M. PEASE	" 1867	" 1869	Provisional.
E. J. DAVIS, Provisional	a few months,	and elected by the	
people in 1870.			

*Lieut.-Governors who have been Acting Governors:*

A. C. HORTON	in 1846.
J. W. HENDERSON	" 1853.
EDWARD CLARK	" 1861.

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## QUESTIONS ON CHAPTER XXVII.

What changes have been made in the judiciary of Texas since 1845 ? What has been done to encourage immigration ? What important law to preserve the peace has been enacted ? What important land law ? What has been done to encourage internal improvements ? Give a statement of the present condition of Texas ? Give a list of the Governors and the time of their holding office. What about the courts of Texas ? Name them, and give their respective powers.

THE  
CONSTITUTION  
OF THE  
STATE OF TEXAS.

Arranged with Questions for Class Use.



# CONSTITUTION OF THE STATE OF TEXAS.

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## PREAMBLE.

WE, THE PEOPLE OF TEXAS, acknowledging with gratitude the grace of God in permitting us to make a choice of our form of government, do hereby ordain and establish this Constitution :

## ARTICLE I.

### BILL OF RIGHTS.

That the heresies of nullification and secession, which brought the country to grief, may be eliminated from future political discussion ; that public order may be restored, private property and human life protected, and the great principles of liberty and equality secured to us and our posterity, We declare that :

SECTION 1. The Constitution of the United States, and the laws and treaties made, and to be made, in pursuance thereof, are acknowledged to be the supreme law ; that this Constitution is framed in harmony with and in subordination thereto ; and that the fundamental principles embodied herein can only be changed, subject to the national authority.

SEC. 2. All freemen, when they form a social compact, have equal rights, and no man or set of men is entitled to exclusive separate public emoluments or privileges.

SEC. 3. No religious test shall be required as a qualification to any office of public trust in this State.

SEC. 4. All men have a natural and indefeasible right to worship God according to the dictates of their own consciences. No man shall be compelled to attend, erect, or support any place of public worship ; or to maintain any ministry against his consent. No human authority ought in any case whatever, to control, or interfere with the rights of conscience in matters of religion ; and no preference shall ever be given, by law, to any religious societies or mode of worship. But it shall be the duty of the Legislature to pass such laws as may be necessary to protect every religious denomination in the peaceable enjoyment of their own mode of public worship.

SEC. 5. Every citizen shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege ; and no law shall ever be passed curtailing the liberty of speech or of the press.

SEC. 6. In prosecutions for the publication of papers investigating the official conduct of officers, or of men in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence ; and in all prosecutions for libels, the jury shall have the right to determine the law and the facts, under the direction of the Court, as in other cases.

SEC. 7. The people shall be secure in their persons, houses, papers, and possessions, from all unreasonable seizures or searches ; and no warrant to search any place, or to seize any person or thing, shall issue, without describing such place, person or thing as near as may be, nor without probable cause, supported by oath or affirmation.

SEC. 8. In all criminal prosecutions, the accused shall have a speedy public trial, by an impartial jury. He shall not be compelled to give evidence against himself. He shall have the right of being heard by himself, or by counsel, or both ; shall be confronted with the witnesses against him, and shall have compulsory process for obtaining witnesses in his favor ; and no person shall be holden to answer for any criminal charge but on the indictment or information, except in cases arising in the land or naval forces or offences against the laws regulating the militia.

SEC. 9. All prisoners shall be bailable upon sufficient sureties, unless for capital offences, when the proof is evident ; but this provision shall not be so construed as to prohibit bail after indictment found, upon an examination of the evidence by a judge of the Supreme or District Court, upon the return of the writ of *habeas corpus*, returnable in the county where the offence is committed.

SEC. 10. The privileges of the writ of *habeas corpus* shall not be

suspended except by act of the Legislature, in case of rebellion or invasion, when the public safety may require it.

SEC. 11. Excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishment inflicted. All courts shall be open, and every person, for an injury done him in his lands, goods, person or reputation, shall have remedy by due course of law.

SEC. 12. No person, for the same offence, shall be twice put in jeopardy of life; nor shall a person be again put upon trial for the same offence, after a verdict of not guilty; and the right of trial by jury shall remain inviolate.

SEC. 13. Every person shall have the right to keep and bear arms, in the lawful defence of himself or the State, under such regulations as the Legislature may prescribe.

SEC. 14. No bill of attainder, *ex post facto* law, retroactive law, or any law impairing the obligation of contracts, shall be made; and no person's property shall be taken or applied to public use without just compensation being made, unless by the consent of such person; nor shall any law be passed depriving a party of any remedy for the enforcement of a contract, which existed when the contract was made.

SEC. 15. No person shall ever be imprisoned for debt.

SEC. 16. No citizen of this State shall be deprived of life, liberty, property or privileges, outlawed, exiled, or in any manner disfranchised, except by due course of the law of the land.

SEC. 17. The military shall at all times be subordinate to the civil authority.

SEC. 18. Perpetuities and monopolies are contrary to the genius of a free government, and shall never be allowed; nor shall the law of primogeniture or entailments ever be in force in this State.

SEC. 19. The people shall have the right, in a peaceable manner, to assemble together for their common good; and to apply to those invested with powers of government for redress of grievances, or other purposes, by petition, address or remonstrance.

SEC. 20. No power of suspending laws in the State shall be exercised except by the Legislature or its authority.

SEC. 21. The equality of all persons before the law is herein recognized and shall ever remain inviolate; nor shall any citizen ever be deprived of any right, privilege or immunity, nor be exempted from any burden or duty, on account of race, color, or previous condition.

SEC. 22. Importations of persons under the name of "coolies," or any other name or designation, or the adoption of any system of peonage, whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized or tolerated by the laws of this State; and neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever exist in this State.

SEC. 23. To guard against transgressions of the high powers herein delegated, we declare that everything in this Bill of Rights is excepted out of the general powers of government, and shall forever remain inviolate; and all laws contrary thereto, or to the following provisions, shall be void.

## ARTICLE II.

### DIVISION OF THE POWERS OF GOVERNMENT.

SECTION 1. The powers of the government of the State of Texas shall be divided into three distinct departments, and each of them be confided to a separate body of magistracy, to wit: those which are Legislative to one, those which are Executive to another, and those which are judicial to another; and no person, or collection of persons, being of one of those departments, shall exercise any power properly attached to either of the others, except in the instances herein expressly permitted.

## ARTICLE III.

### LEGISLATIVE DEPARTMENT.

SECTION 1. Every male person who shall have attained the age of

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### QUESTIONS ON THE BILL OF RIGHTS.

Recite the preamble. What does the word preamble mean? What acknowledgment is made in Sec. 1 in reference to the Constitution of the United States? Who have equal rights? What test shall now be required? What have men a natural and indefensible right to do? What may every citizen speak, write and publish? In prosecutions for libels what shall the jury do? In what shall the people be secure? In criminal prosecutions what rights has the accused? When may prisoners be bailed? What about *habeas corpus*? How many times may a person be tried for his life for the same offence? When may a person bear arms? When may one be imprisoned for debt? How may one be deprived of life, liberty, property, etc.? To what shall the military be subordinate? What are contrary to the genius of free government? For what may the people assemble together? By what authority may the laws be suspended? What is herein recognized as forever inviolate? What is prohibited in Sec. 22? What declaration is made in Sec. 23?

twenty-one years, and who shall be (or who shall have declared his intention to become) a citizen of the United States, or who is, at the time of the acceptance of this Constitution by the Congress of the United States, a citizen of Texas, and shall have resided in this State one year next preceding an election, and the last six months within the district or county in which he offers to vote, and is duly registered, (Indians not taxed excepted,) shall be deemed a qualified elector ; and should such qualified elector happen to be in any other county, situated in the district in which he resides, at the time of an election, he shall be permitted to vote for any district officer ; *provided*, that the qualified electors shall be permitted to vote anywhere in the State for State officers ; *and provided further*, that no soldier, seaman, or marine, in the army or navy of the United States, shall be entitled to vote at any election created by this Constitution.

SEC. 2. Electors in all cases shall be privileged from arrest during their attendance at elections, and in going to and returning from the same, except in cases of treason, felony, or breach of the peace.

SEC. 3. The legislative power of the State shall be vested in two distinct branches : the one to be styled the Senate, and the other the House of Representatives ; and both together the "Legislature of the State of Texas." The style of the laws shall be, "Be it enacted by the Legislature of the State of Texas."

SEC. 4. The members of the House of Representatives shall be chosen by the qualified electors, and their term of office shall be two years from the day of general election ; and the sessions of the Legislature shall be annual, at such times as shall be prescribed by law.

SEC. 5. No person shall be a Representative unless he be a citizen of the United States, and shall have been a citizen of this State two years next preceding his election, and the last year thereof a citizen of the county, city, or town from which he shall be chosen, and shall have attained the age of twenty-one years at the time of his election.

SEC. 6. All elections for State, district, and county officers shall be held at the county seats of the several counties, until otherwise provided by law ; and the polls shall be opened for four days, from eight o'clock A. M. until four o'clock P. M. of each day.

SEC. 7. The House of Representatives shall consist of ninety members, and no more.

SEC. 8. The Senators shall be chosen by the qualified electors, hereafter, for the term of six years. Those elected at the first election shall be divided by lot into three classes, as nearly equal as can be.

The seats of Senators of the first class shall be vacated at the expiration of the first two years; and of the second class, at the expiration of four years; and of the third class at the expiration of six years; so that one-third thereof shall be chosen biennially thereafter.

SEC. 9. Such mode of classifying new additional Senators shall be observed as will, as nearly as possible, preserve an equality of number in each class.

SEC. 10. The Senate shall consist of thirty Senators, and no more.

SEC. 11. A new apportionment for Representatives and Senatorial districts shall be made by the first Legislature in session after the official publication of the United States census, every ten years.

SEC. 12. When a Senatorial district shall be composed of two or more counties, it shall not be separated by any county belonging to another district.

SEC. 13. No person shall be a Senator unless he be a citizen of the United States, and shall have been a citizen of this State three years next preceding the election, and the last year thereof a resident of the district for which he shall be chosen, and have attained the age of twenty-five years.

SEC. 14. No person shall be eligible to any office, State, county or municipal, who is not a registered voter in the State.

SEC. 15. The House of Representatives, when assembled, shall elect a Speaker and its other officers; and the Senate shall choose a President for the time being, and its other officers. Each House shall judge of the elections and qualifications of its own members; but contested elections shall be determined in such manner as shall be directed by law. Two-thirds of each House shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each House may provide.

SEC. 16. Each House may determine the rules of its own proceedings, punish members for disorderly conduct, and with the consent of two-thirds, expel a member.

SEC. 17. Each House shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either House, on any question, shall at the desire of any three members present, be entered upon the journals.

SEC. 18. Any member of either House shall have liberty to dissent

from, or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for dissent entered on the journals.

SEC. 19. When vacancies happen in either House, the Governor, or the person exercising the power of the Governor, shall issue writs of election to fill such vacancies, and should the Governor fail to issue a writ of election to fill such vacancies, the returning officer for the district or county shall be authorized to order an election for that purpose.

SEC. 20. Senators and Representatives shall, in all cases except in treason, felony, or breach of the peace, be privileged from arrest during the session of the Legislature, and in going to and returning from the same, allowing one day for every twenty-five miles such member may reside from the place at which the Legislature is convened.

SEC. 21. Each House, during session, may punish by imprisonment any person not a member, for disrespectful or disorderly conduct in its presence, or for obstructing any of its proceedings ; *provided*, such imprisonment shall not at any one time exceed forty-eight hours.

SEC. 22. The doors of each House shall be kept open, except upon a call of either House, and when there is an executive session of the Senate.

SEC. 23. Neither House shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting, without the concurrence of both Houses.

SEC. 24. Bills may originate in either House and be amended, altered or rejected by the other; but no bill shall have the force of a law until on three several days it be read in each House, and free discussion be allowed thereon, unless in case of great emergency four-fifths of the House, in which the bill shall be pending, may deem it expedient to dispense with this rule ; and every bill having passed both Houses shall be signed by the Speaker and President of their respective Houses ; *provided*, that the final vote on all bills or joint resolutions appropriating money or lands for any purpose shall be by the yeas and nays.

SEC. 25. The Legislature shall not authorize by private or special law, the sale or conveyance of any real estate belonging to any person, or vacate or alter any road laid out by legal authority, or any street in any city or village, or in any recorded town plat, but shall provide for the same by general laws.

SEC. 26. After a bill or resolution has been rejected by either

branch of the Legislature, no bill or resolution containing the same substance, shall be passed into a law during the same session.

SEC. 27. The Legislature shall not authorize any lottery, and shall prohibit the sale of lottery tickets.

SEC. 28. Each member of the Legislature shall receive from the public treasury a compensation for his services, which may be increased or diminished by law; but no increase of compensation shall take effect during the session at which such increase shall be made.

SEC. 29. No Senator or Representative shall, while a member of the Legislature, be eligible to any civil office of profit under this State which shall have been created, or the emoluments of which may have been increased, during such term; except it be in such cases as are herein provided. The President, for the time being, of the Senate, and Speaker of the House of Representatives, shall be elected from their respective bodies.

SEC. 30. No judge of any court of law or equity, Secretary of State, Attorney-General, clerk of any court of record, sheriff or collector, or any person holding a lucrative office under the United States, or this State, or any foreign government, shall be eligible to the Legislature; nor shall at the same time hold or exercise any two offices, agencies or appointments of trust or profit under this State; *provided*, that offices of militia to which there is attached no annual salary, the office of postmaster, notary public, and the office of justice of the peace, shall not be deemed lucrative; and that one person may hold two or more county offices, if so provided by the Legislature.

SEC. 31. No person who at any time may have been a collector of taxes, or who may have been otherwise entrusted with public money, shall be eligible to the Legislature, or to any office of profit or trust under the State government, until he shall have obtained a discharge for the amount of such collection, and for all public moneys with which he may have been entrusted.

SEC. 32. It shall be the duty of the Legislature immediately to expel from the body any member who shall receive or offer a bribe, or suffer his vote influenced by promise of preferment or reward; and every person so offending, and so expelled, shall thereafter be disabled from holding any office of honor, trust or profit in this State.

SEC. 33. Elections for Senators and Representatives shall be general throughout the State, and shall be regulated by law.

SEC. 34. The whole number of Senators shall, at the next session after the several periods of making the enumeration, be fixed by the

Legislature, and apportioned among the several districts to be established by law, according to the number of qualified electors, and shall never be less than nineteen nor more than thirty

SEC. 35. The members of the Legislature shall, at their first session hereafter, receive from the treasury of the State, as their compensation, eight dollars for each day they shall be in attendance, and eight dollars for each twenty-five miles in traveling to and from the seat of government. The above rates of compensation shall remain till changed by law.

SEC. 36. The Legislature shall proceed, as early as practicable, to elect Senators to represent this State in the Senate of the United States; and also provide for future elections of Representatives to the Congress of the United States; and the second Tuesday after the first assembling of the Legislature after the ratification of this Constitution, the Legislature shall proceed to ratify the thirteenth and fourteenth Articles of Amendment to the Constitution of the United States of America.

SEC. 37. In order to settle permanently the seat of government, an election shall be helden throughout the State, at the usual places of holding elections, at the first general election after the acceptance of this Constitution by the Congress of the United States, which shall be conducted according to law, at which time the people shall vote for such place as they may see proper for the seat of government; the returns of said election to be transmitted to the Governor with the other returns of that election.

If either place voted for shall have a majority of the whole number of votes cast, then the same shall be the permanent seat of government. But in case neither place voted for shall have the majority of the whole number of votes given in, the Governor shall issue his proclamation for an election, to be helden in the same manner, at the next following general election, between the two places having the highest number of votes at the first election. This election shall be conducted in the same manner as at the first, and the returns made to the Governor, and the place having the highest number of votes shall be the permanent seat of government.

SEC. 38. The first Legislature shall pass such laws as will authorize the clerks of the district court and the justices of the peace of the several counties to issue executions after the adjournment of each term of their respective courts, against the plaintiff or defendant for all costs created by them in any suit or suits therein.

SEC. 39. Until otherwise provided by law, the Senatorial and Representative districts shall be composed of the following counties:

First District—Chambers, Jefferson, Orange, Liberty, Hardin, Newton, Jasper, Tyler and Polk counties.

Second District—Trinity, Angelina, San Augustine, Sabine, Nacogdoches and Shelby counties.

Third District—Houston and Cherokee counties.

Fourth District—Anderson, Henderson and Van Zandt counties.

Fifth District—Rusk and Panola counties.

Sixth District—Smith and Upshur counties.

Seventh District—Harrison county.

Eighth District—Marion, Davis and Bowie counties.

Ninth District—Titus and Red River counties.

Tenth District—Wood, Hopkins and Hunt counties.

Eleventh District—Lamar and Fannin counties.

Twelfth District—Galveston, Brazoria and Matagorda counties.

Thirteenth District—Wharton, Fort Bend and Austin counties.

Fourteenth District—Harris and Montgomery counties.

Fifteenth District—Walker, Grimes and Madison counties.

Sixteenth District—Washington county.

Seventeenth District—Burleson, Brazos and Milam counties.

Eighteenth District—Robertson, Leon and Freestone counties.

Nineteenth District—McLennan, Limestone and Falls counties.

Twentieth District—Hill, Navarro, Ellis and Kaufman counties.

Twenty-first District—Dallas, Collin and Tarrant counties.

Twenty-second District—Grayson, Cook, Denton, Wise, Montague, Jack, Clay, Young, Wichita, Throckmorton, Baylor, Wilbarger, Haskell, Knox and Hardeman counties.

Twenty-third District—Bosque, Johnson, Hood, Parker, Erath, Palo Pinto, Eastland, Stephens, Callahan, Jones, Shackelford and Taylor counties.

Twenty-fourth District—Calhoun, Jackson, Victoria, Rufugio, San Patricio, Bee, Goliad and DeWitt counties.

Twenty-fifth District—Lavaca and Colorado counties.

Twenty-sixth District—Fayette and Bastrop counties.

Twenty-seventh District—Gonzales, Guadalupe and Caldwell counties.

Twenty-eighth District—Hays, Travis, Williamson, Bell, Coryell, Lampasas, San Saba, Hamilton, Comanche, Brown, Coleman, Concho and McCulloch counties.

Twenty-ninth District—Bexar, Wilson, Comal, Kendall, Blanco, Burnett, Llano, Mason, Gillespie, Kerr, Bandera, Edwards, Kimball, and Menard counties.

Thirtieth District—Cameron, Hidalgo, Starr, Nueces, Duval, Zapata, Live, Oak McMullen, Encinal, Lasalle, Webb, Dimmitt, Maverick, Zavalla, Frio, Atascosa, Karnes, Kinney, Uvalde, Medina, Presidio and El Paso counties.

SEC. 40. The Senators and Representatives shall be apportioned among the several Senatorial and Representative Districts as follows, to wit:

- First District—One Senator and three Representatives.  
Second District—One Senator and three Representatives.  
Third District—One Senator and three Representatives.  
Fourth District—One Senator and three Representatives.  
Fifth District—One Senator and three Representatives.  
Sixth District—One Senator and three Representatives.  
Seventh District—One Senator and two Representatives.  
Eighth District—One Senator and three Representatives.  
Ninth District—One Senator and three Representatives.  
Tenth District—One Senator and three Representatives.  
Eleventh District—One Senator and three Representatives.  
Twelfth District—One Senator and three Representatives.  
Thirteenth District—One Senator and three Representatives.  
Fourteenth District—One Senator and three Representatives.  
Fifteenth District—One Senator and three Representatives.  
Sixteenth District—One Senator and two Representatives.  
Seventeenth District—One Senator and three Representatives.  
Eighteenth District—One Senator and three Representatives.  
Nineteenth District—One Senator and three Representatives.  
Twentieth District—One Senator and three Representatives.  
Twenty-first District—One Senator and three Representatives.  
Twenty-second District—One Senator and three Representatives.  
Twenty-third District—One Senator and three Representatives.  
Twenty fourth District—One Senator and three Representatives.  
Twenty fifth District—One Senator and three Representatives.  
Twenty-sixth District—One Senator and three Representatives.  
Twenty-seventh District—One Senator and three Representatives.  
Twenty-eighth District—One Senator and four Representatives.  
Twenty-ninth District—One Senator and four Representatives.  
Thirtieth District—One Senator and three Representatives.

SEC. 41. In the several Senatorial and Representative Districts, composed of more counties than one, the Chief Justice of the following named counties shall receive the returns, and give certificates of election to the persons respectively receiving the highest number of votes, to wit:

- First District—Chief Justice of Liberty county.  
Second District—Chief Justice of Nacogdoches county.  
Third District—Chief Justice of Cherokee county.  
Fourth District—Chief Justice of Anderson county.  
Fifth District—Chief Justice of Rusk county.

Sixth District—Chief Justice of Smith county.  
Seventh District—Chief Justice of Harrison county.  
Eighth District—Chief Justice of Marion county.  
Ninth District—Chief Justice of Red River county.  
Tenth District—Chief Justice of Hopkins county.  
Eleventh District—Chief Justice of Lamar county.  
Twelfth District—Chief Justice of Galveston county.  
Thirteenth District—Chief Justice of Fort Bend county.  
Fourteenth District—Chief Justice of Harris county.  
Fifteenth District—Chief Justice of Grimes county.  
Sixteenth District—Chief Justice of Washington county.  
Seventeenth District—Chief Justice of Burleson county.  
Eighteenth District—Chief Justice of Robertson county.  
Nineteenth District—Chief Justice of McLennan county.  
Twentieth District—Chief Justice of Navarro county.  
Twenty-first District—Chief Justice of Dallas county.  
Twenty-second District—Chief Justice of Grayson county.  
Twenty-third District—Chief Justice of Bosque county.  
Twenty-fourth District—Chief Justice of Victoria county.  
Twenty-fifth District—Chief Justice of Colorado county.  
Twenty-sixth District—Chief Justice of Fayette county.  
Twenty-seventh District—Chief Justice of Gonzales county.  
Twenty-eighth District—Chief Justice of Travis county.  
Twenty-ninth District—Chief Justice of Bexar county.  
Thirtieth District—Chief Justice of Nueces county.

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#### QUESTIONS ON LEGISLATIVE DEPARTMENT.

How are the powers of the State government divided? Who are qualified electors? When may they vote? What about privilege from arrest? How is the legislative power vested? How are the members of the House of Representatives chosen and how often? What are the qualifications? When are the elections held? Of how many does the House of Representatives consist? How are the Senators chosen and for how long a term? How are they classed? How many Senators? How often shall a new apportionment be made? What are the qualifications required of Senators? Who only are eligible to office? How are the House of Representatives and Senate organized? What about compulsory attendance? What about rules, punishment, etc.? What about privilege from arrest? What about public sessions? Can either House adjourn at will? How are bills originated, amended, etc.? Can the Legislature authorize sale of real estate by special law? What about rejected bills? What about lotteries? How are the members of the Legislature paid for their services? What in reference to their eligibility to certain offices? Who are ineligible to the Legislature? When may two offices not be held jointly? What about expulsion? How are elections for Senators and Representatives regulated? How are U. S. Senators elected? How is the seat of government fixed? How do executions issue after adjournment? Of what counties are the Senatorial and Representative districts of Texas respectively composed? By whom are election returns received and certificates issued?

## ARTICLE IV.

## EXECUTIVE DEPARTMENT.

SECTION 1. The Executive Department of the State shall consist of a Chief Magistrate, who shall be styled the Governor, Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office, Attorney General and Superintendent of Public Instruction.

SEC. 2. The Governor shall be elected by the qualified voters of the State, at the time and places at which they shall vote for Representatives to the Legislature.

SEC. 3. The returns for every election of Governor shall be made out, sealed up, and transmitted by the returning officers to the seat of Government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session of the Legislature thereafter, open and publish them, in the presence of both Houses of the Legislature. The person having the highest number of votes, and being constitutionally eligible, shall be declared by the Speaker, under the direction of the Legislature, to be Governor; but if two or more persons shall have the highest and an equal number of votes, one of them shall be forthwith chosen Governor, by a joint vote of both Houses of the Legislature. Whenever there shall be a contested election for the office of Governor, or of any of the Executive officers to be elected by the qualified voters of the State, it shall be determined by the joint action of both Houses of the Legislature.

SEC. 4. The Governor shall hold his office for the term of four years from the time of his installment, and until his successor shall be duly qualified. He shall be at least thirty years of age, a citizen of the United States, and shall have been a resident and citizen of the State of Texas for three years immediately preceding his election. He shall be inaugurated on the first Thursday after the organization of the Legislature, or as soon thereafter as practicable.

SEC. 5. The Governor shall, at stated times, receive a compensation for his services, which shall not be increased nor diminished during the term for which he may have been elected. His annual salary shall be five thousand dollars, until otherwise provided by law, exclusive of the use and occupation of the Governor's Mansion, fixtures and furniture.

SEC. 6. He shall be Commander-in-Chief of the militia of the State, except when they are called into the actual service of the United States

SEC. 7. He may, at all times, require information in writing, from all the officers of the Executive Department, on any subject relating to the duties of their offices. If a vacancy occurs in any of the executive offices, by death, resignation or removal, or from any other cause, during the recess of the Legislature, the Governor shall have power, by appointment, to fill such vacancy; which appointment shall continue in force till the succeeding session of the Legislature, when he shall communicate such appointment to the Senate for confirmation or rejection. If it be confirmed by the Senate, the tenure of office shall continue until the regular return of the periodic election of said office.

SEC. 8. He shall have power by proclamation, on extraordinary occasions, to convene the Legislature at the seat of government; but if the prevalence of dangerous disease, or the presence of the public enemy there, shall render it necessary, then at any other place within the State he may deem it expedient.

SEC. 9. He shall, from time to time, give to the Legislature information, in writing, of the condition of the State, and recommend to their consideration such measures as he may deem expedient.

SEC. 10. He shall take care that the laws be faithfully executed.

SEC. 11. In all criminal cases, except treason and impeachment, he shall have power after conviction, to grant reprieves and pardons; and under such rules as the Legislature may prescribe, he shall have power to remit fines and forfeitures. With the advice and consent of the Senate, he may grant pardons in cases of treason; and to this end, he may respite a sentence therefor until the close of the succeeding session of the Legislature; *provided*, that in all cases of remission of fines or forfeitures, or grants of reprieve or pardon, the Governor shall file, in the office of the Secretary of State, his reasons therefor.

SEC. 12. Nominations to fill vacancies occurring in the recess of the Legislature, shall be made by the Governor during the first ten days of its session; and should any such nomination be rejected, the same person shall not again be nominated, during the session, to fill the same office.

SEC. 13. During the session of the Legislature, the Governor shall reside where its sessions are held; and at all other times at the capital, except when, in the opinion of the Legislature, the public good may otherwise require.

SEC. 14. No person, holding the office of Governor, shall hold any other office or commission, civil or military.

SEC. 15. At the time of the election of a Governor, there shall also be elected by the qualified voters of the State, a Lieutenant Governor, possessing the same qualifications as the Governor, and who shall continue in office for the same period of time. He shall, by virtue of his office, be President of the Senate ; and shall have, when in committee of the whole, the right to debate and vote on all questions ; and, when the Senate is equally divided, to give the casting vote. In case of the death, resignation, removal from office, inability, or refusal of the Governor to serve, or of his impeachment or absence from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor, until another be chosen at the periodical election, and be duly qualified ; or until the Governor, impeached, absent or disabled, shall be acquitted, returned, or his disability be removed.

SEC. 16. Whenever the Lieutenant Governor shall become the acting Governor, or shall be unable to preside over the Senate, that body shall elect from its own members a President for the time being. If, during the vacancy in the office of Governor, the Lieutenant Governor shall die, resign, refuse to serve, be removed from office, or be unable to serve ; or if he be impeached, or absent from the State, the President of the Senate for the time being shall, in like manner, administer the government until he shall be superseded by a Governor or Lieutenant Governor. The compensation of the Lieutenant Governor shall be twice the *per diem* or pay of a Senator, and no more ; and, while acting Governor, the same compensation as a Governor would receive for a like period of service, in his office, and no more. The President of the Senate, for the time being, if called upon to administer the government in any of the contingencies enumerated, shall be entitled to the portion of the salary of the Governor due for the time of such service. If the Lieutenant Governor, while acting Governor by succession, shall die, resign, or be absent from the State, during the recess of the Legislature, it shall be the duty of the Secretary of State to convene the Senate for the purpose of choosing a President of the Senate for the time being.

SEC. 17. There shall be a Secretary of State appointed by the Governor, by and with the advice and consent of the Senate, who shall continue in office during the term of service of the Governor elect. He shall keep a fair register of all official acts and proceedings of the Governor, and shall, when required, lay the same, with all papers, minutes and vouchers relative thereto, before the Legislature, or either House thereof, and shall perform such other duties as may be required of him by law.

SEC. 18. There shall be a seal of the State, which shall be kept by

the Governor and used by him officially. The seal shall be a star of five points, encircled by an olive and live oak branches, and the words, "The State of Texas."

SEC. 19. All commissions shall be in the name and by the authority of the State of Texas, be sealed with the State seal, signed by the Governor, and attested by the Secretary of State.

SEC. 20. There shall be a Comptroller of Public Accounts, elected by the qualified voters of the State, at the same time and in the same manner as the Governor is elected, and having the same qualifications, who shall hold his office for the term of four years. He shall superintend the fiscal affairs of the State; give instructions to the assessors and collectors of the taxes; settle with them for taxes; take charge of all escheated property; keep an accurate account of all moneys paid into the treasury, and of all lands escheated to the State; publish annually a list of delinquent assessors and collectors, and demand of them an annual list of all tax-payers in their respective counties, to be filed in his office; keep all the accounts of the State; audit all the claims against the State; draw warrants upon the treasury in favor of the public creditors, and perform such other duties as may be prescribed by law.

SEC. 21. There shall be a Treasurer of the State, elected at the same time of the election of Governor, having the same qualifications as the Governor and Comptroller of Public Accounts, who shall hold his office for the same period of time. He shall receive and take charge of all public money paid into the treasury; countersign all warrants drawn by the Comptroller of Public Accounts; pay off the public creditors upon the warrant of the Comptroller of Public Accounts, and perform all such other duties as may be prescribed by law.

SEC. 22. A Commissioner of the General Land Office shall be elected by the qualified voters of the State at the same time and in the same manner as the Governor, Comptroller of Public Accounts and Treasurer may be elected, who shall hold his office for a like period of time, and shall possess the same qualifications. He shall be the custodian of the archives of the land titles of the State; the register of all land titles hereafter granted, and shall perform such other duties as may be required by law.

SEC. 23. There shall be an Attorney General of the State, having the same qualifications as the Governor, Lieutenant Governor, Comptroller of Public Accounts and Treasurer, who shall be appointed by the Governor, with the advice and consent of the Senate. He shall hold his office for the term of four years. He shall reside at the capital of the State during his term of office. He shall represent the in-

terests of the State in all suits or pleas in the Supreme Court in which the State may be a party; superintend, instruct and direct the official action of the district attorneys so as to secure all fines and forfeitures, all escheated estates, all public moneys to be collected by suit; and he shall, when necessary, give legal advice in writing to all officers of the government, and perform such other duties as may be required by law.

SEC. 24. The Secretary of State, Comptroller of Public Accounts, Treasurer, Commissioner of the General Land Office and Attorney General, shall each receive for his services the annual salary of three thousand dollars; and which shall neither be increased nor diminished during his continuance in office.

SEC. 25. Every bill, which shall have passed both Houses of the Legislature, shall be presented to the Governor for his approval. If he approve, he shall sign it, but if he disapprove it, he shall return it, with his objections, to that House in which it originated; which House shall enter the objections at large upon the journals of the House, and proceed to reconsider it. If, after such reconsideration, two-thirds of the members present shall agree to pass the bill, it shall be sent with the objections to the other House, by which it shall likewise be reconsidered. If approved by two-thirds of the members present of that House, it shall become a law; but, in such cases, both Houses shall determine the question by yeas and nays, with the names of the members respectively entered upon the journals of each House. If a bill shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall become a law in like manner as if he had signed it. Every bill presented to the Governor one day before the final adjournment of the two Houses, and not signed by him, shall become a law, and shall have the same force and effect as if signed by him. The Governor may approve any appropriation and disapprove any other appropriation in the same bill, by signing the bill, and designating the appropriation disapproved, and sending a copy of such appropriation, with his objections, to the House in which it originated; and the same proceedings shall be had on the part disapproved, as on other bills disapproved by him; but if the Legislature shall have adjourned before it is returned, he shall return it, with his objections, to the Secretary of State, to be submitted to both Houses at the succeeding session of the Legislature.

SEC. 26. Every order, resolution, or vote, in which the concurrence of both Houses shall be required, except the question of adjournment, shall be presented to the Governor, and must be approved by him before it can take effect; or, being disapproved, shall be re-passed in the manner prescribed in the case of a bill.

## QUESTIONS ON THE EXECUTIVE DEPARTMENT.

What does the executive department consist of ? How and when is the Governor elected ? By whom are the returns opened ? What provision is made for an election by the Legislature ? What is the Governor's term of office ? What about his legal age ? His compensation ? Who is Commander-in-Chief of the State militia ? What about vacancies in the executive department ? What about the power of the Governor to convene the Legislature in extra session ? Who shall give information to the Legislature ? Whose duty is it to see that the laws are faithfully executed ? What is said about reprieves, pardons, fines and forfeitures ? Who nominates to fill vacancies in the recess of the Legislature ? What if rejected ? What other office may the Governor hold ? How and when is the Lieut.-Governor elected ? What must be his qualifications ? What his duties, and term of office ? When may he exercise the functions of Governor ? Who is President of the Senate while the Lieutenant Governor is acting Governor ? What are his duties ? When may the Secretary of State convene the Legislature ? How is the Secretary of State appointed ? What are his duties ? What about a seal of the State ? Commissions ? How is the Comptroller elected ? What are his duties ? How is the Treasurer elected ? What are his duties ? What in reference to the Commissioner of the Land Office ? By whom is the Attorney General appointed ? What are his duties ? What are the salaries of the executive officers ? Who approves bills after they have passed the Legislature ? In case the Governor does not choose to approve what right has he ? In case such acts as are not approved by the Governor are still passed by a two-thirds vote, what then ? In case a bill is not returned in five days after being sent to the Governor, what then ?

## ARTICLE V.

## JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in one Supreme Court, in District Courts, and in such inferior courts and magistrates as may be created by this Constitution, or by the Legislature under its authority. The Legislature may establish criminal courts in the principal cities within the State, with such criminal jurisdiction, co-extensive with the limits of the county wherein such city may be situated, and under such regulations as may be prescribed by law ; and the Judge thereof may preside over the courts of one or more cities, as the Legislature may direct.

SEC. 2. The Supreme Court shall consist of three judges, any two of whom shall constitute a quorum. They shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of nine years. But the judges first appointed under this Constitution, shall be so classified by lot that the term of one of them shall expire at the end of every three years. The judge whose term shall soonest expire shall be the presiding judge. All vacancies shall be filled for the unexpired term. If a vacancy shall occur, or a term

shall expire, when the Senate is not in session, the Governor shall fill the same by appointment, which shall be sent to the Senate within ten days after that body shall assemble, and, if not confirmed, the office shall immediately become vacant.

SEC. 3. The Supreme Court shall have appellate jurisdiction only, which, in civil causes, shall be co-extensive with the limits of the State. In criminal causes no appeal shall be allowed to the Supreme Court unless some judge thereof shall, upon inspecting a transcript of the record, believe that some error of the law has been committed by the judge before whom the cause was tried; *provided*, that said transcript of the record shall be presented within sixty days from the date of the trial, under such rules and regulations as shall be prescribed by the Legislature. Appeals from interlocutory judgments may be allowed, with such exceptions and under such regulations as the Legislature may prescribe. The Supreme Court and the Judges thereof, shall have power to issue the writ of *habeas corpus*, and under such regulations as may be prescribed by law, may issue the writ of mandamus, and such other writs as may be necessary to enforce its own jurisdiction. The Supreme court shall also have power to ascertain such matters of fact as may be necessary to the proper exercise of its jurisdiction.

SEC. 4. The Supreme Court shall hold its session annually at the capital of the State.

SEC. 5. The Supreme Court shall appoint its own clerk, who shall hold his office for four years, unless sooner removed by the court for good cause, entered of record on the minutes of the court. The said clerk shall give bond in such manner as is now, or may hereafter be, required by law.

SEC. 6. The State shall be divided into convenient judicial districts, for each of which one judge shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of eight years, who shall, after his appointment, reside within the district, and shall hold a court three times a year in each county thereof, at such time and place as may be prescribed by law; *provided*, that at the first general election after the 4th of July, 1876, the question shall be put to the people, whether the mode of election of judges of the Supreme and District Courts shall not be returned to.

SEC. 7. The District Court shall have original jurisdiction of all criminal cases; of all causes in behalf of the State to recover penalties, forfeitures and escheats; and of all suits and cases in which the State may be interested; of all cases of divorce; of all suits to re-

cover damages for slander or defamation of character ; of all suits for the trial of title to land ; of all suits for the enforcement of liens ; and of all suits, complaints and pleas whatever, without regard to any distinction between law and equity, when the matter in controversy shall be valued at, or amount to one hundred dollars, exclusive of interest ; and the said courts and the judges thereof, shall have power to issue the writ of *habeas corpus*, and all other writs necessary to enforce their own jurisdiction, and to give them a general superintendence and control over inferior tribunals. The District Court shall also have appellate jurisdiction in cases originating in inferior courts, with such exceptions, and under such regulations, as the Legislature may prescribe. And the District Court shall also have original and exclusive jurisdiction for the probate of wills; for the appointing of guardians ; for the granting of letters testamentary and of administration ; for settling the accounts of executors, administrators and guardians ; and for the transaction of all business appertaining to the estates of deceased persons, minors, idiots, lunatics, and persons of unsound mind ; and for the settlement, partition and distribution of estates, under such rules and regulations as may be prescribed by law.

SEC. 8. In the trial of all criminal cases, the jury trying the same shall find and assess the amount of punishment to be inflicted, or fine to be imposed, except in cases where the punishment of fine shall be specifically imposed by law ; *provided*, that in all cases where by law it may be provided that capital punishment may be inflicted, the jury shall have the right, in their discretion, to substitute imprisonment to hard labor for life.

SEC. 9. A clerk of the District Court for each county shall be elected by the qualified electors in each county, who shall hold his office for four years, subject to removal by the judge of said court for cause spread upon the minutes of the court. The said clerk shall exercise such powers, and perform such duties, appertaining to the estates of deceased persons, lunatics, idiots, minors, and persons of unsound mind, in vacation, as may be prescribed by law ; *provided*, that all contested issues of law or fact, shall be determined by the District Court. And the clerk of the district court shall be recorder for the county of all deeds, bonds and other instruments required by law to be recorded, and also *ex officio* clerk of the police or county court ; and by virtue of his office shall have control of the records, papers, and books of the district and county or police court, and shall generally perform the duties heretofore required of county and district clerks.

SEC. 10. The judges of the Supreme and District Courts shall be removed by the Governor, on the address of two-thirds of the members elected to each House of the Legislature, for incompetency, neglect of

duty, or other reasonable causes, which are not sufficient ground for impeachment ; *provided*, however, that the cause or causes for which such removal shall be required, shall be stated at length in such address, and entered on the journals of each House ; *and provided further*, that the cause or causes shall be notified to the judge so intended to be removed ; and he shall be admitted to a hearing in his own defence, before any vote for such address shall pass. And in all such cases the vote shall be taken by yeas and nays, and entered in the journals of each House respectively.

SEC. 11. No Judge shall sit in any case wherein he may be interested, or where either of the parties may be connected with him, by affinity or consanguinity, within such degrees as may be prescribed by law, or where he shall have been of counsel in the case. When the Supreme Court, or a quorum thereof, shall be thus disqualified to hear and determine any case or cases in said court, by reason of the equal division of opinion of said judges, the same shall be certified to the Governor of the State, who shall immediately commission the requisite number of persons learned in the law, for the trial and determination of said case or cases. When a Judge of the District Court is thus disqualified, the parties may, by consent, appoint a proper person to try the case, and upon their failing to do so, the case shall be transferred for trial to the county, in the adjoining district, whose county seat is nearest to that of the county where the case is pending. District Judges may exchange districts, or hold courts for each other, when they may deem it expedient, and shall do so when directed by law ; and when the District Judge is disqualified to try any case, or cases within his district, the Governor of the State, on such facts being certified to him, may appoint some person, learned in the law, to try such case or cases, who shall receive such compensation as may be given by law. The disqualification of judges of inferior tribunals shall be remedied as prescribed by law.

SEC. 12. There shall be a District Attorney elected by the qualified voters of each Judicial District, who shall hold his office for four years ; and the duties, salaries and perquisites of District Attorney shall be prescribed by law.

SEC. 13. The Judges of the Supreme Court shall receive a salary of not less than four thousand five hundred dollars annually, and the Judges of the District Court, a salary of not less than three thousand five hundred dollars annually. And the salaries of the judges shall not be diminished during their continuance in office.

SEC. 14. When a vacancy shall occur in the office of Judge of the District Court, at a time when the Senate is not in session, the Gover-

nor shall fill the same by appointment, which shall be sent to the Senate within ten days after that body shall assemble; and if not confirmed, the office shall immediately become vacant.

SEC. 15. The Judges of the Supreme and District Courts shall, by virtue of their offices, be conservators of the peace throughout the State. The style of all writs and process shall be "The State of Texas." All prosecutions shall be carried on in the name and by the authority of the "State of Texas," and conclude, "against the peace and dignity of the State."

SEC. 16. In all cases of law or equity, when the matter in controversy shall be valued at or exceed ten dollars, the right of trial by jury shall be preserved, unless the same shall be waived by the parties or their attorneys, except in cases where a defendant may fail to appear and answer, within the time prescribed by law, and the cause of action is liquidated and proved by an instrument in writing.

SEC. 17. Every criminal offence that may by law be punished by death, or in the discretion of the jury by imprisonment to hard labor for life, and every offence that may by law be punished by imprisonment in the State penitentiary, shall be deemed a felony, and shall only be tried upon an indictment found by a grand jury. But all offences of a less grade than a felony, may be prosecuted upon complaint, under oath, by any peace officer or citizen, before any justice of the peace or other inferior tribunal, that may be established by law; and the party so prosecuted shall have the right of trial by a jury, to be summoned in such manner as may be prescribed by law.

SEC. 18. One sheriff for each county shall be elected by the qualified voters thereof, who shall hold his office for four years, subject to removal by the judge of the district court for that county, for cause spread upon the minutes of the court. Process against the sheriff, and all such writs as by reason of interest in the suit, or connection with the parties, or for other cause, the sheriff is incompetent to execute, shall issue to and be executed by any constable in the county.

SEC. 19. There shall be elected in each county, by the qualified voters thereof, as may be directed by law, five justices of the peace, one of whom shall reside, after his election, at the county seat; and not more than one of said justices shall be a resident of the same justice's precinct. They shall hold their offices for four years, and should a vacancy occur in either of said offices, an election shall be held for the unexpired term.

SEC. 20. Justices of the peace shall have such civil and criminal jurisdiction as shall be provided by law. And the justices of the

peace in each county, or any three of them, shall constitute a court, having such jurisdiction, similar to that heretofore exercised by county commissioners and police courts, as may be prescribed by law. And when sitting as such court the justice who resides at the county seat shall be the presiding justice. The times and manner of holding said courts shall be prescribed by law. Justices of the peace shall also be commissioned to act as notaries public. Justices of the peace shall also discharge all the duties of coroner, except such as by section twenty-one of this article are devolved upon constables.

SEC. 21. Each county shall be divided into five justices' precincts; and the justices of the peace in each county, sitting as a county court, shall appoint one constable for each justice's precinct, who shall hold his office for four years, subject to removal by said court for cause spread upon the minutes of the court; and said constables, or either of them, in addition to the ordinary duties of their office, shall discharge the duties of sheriff in all such cases as heretofore devolved those duties upon the coroner.

SEC. 22. Sheriffs and justices of the peace shall be commissioned by the Governor.

SEC. 23. Sheriffs, district clerks and justices of the peace, when acting as such, and when acting as a county court, shall receive such fees or other compensation as may be provided for by law.

SEC. 24. All county and district officers, whose removals are not otherwise provided for, may be removed, on conviction by a jury, after indictment, for malfeasance, nonfeasance, or misfeasance in office.

SEC. 25. In all cases arising out of a contract, before any inferior tribunal, when the amount in controversy shall exceed ten dollars, the plaintiff or defendant shall, upon application to the presiding officer, have the right of trial by jury.

SEC. 26. In the trial of all causes in the district court, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury, to be governed by the rules and regulations prescribed by law.

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#### QUESTIONS ON THE JUDICIAL DEPARTMENT.

In what is the judicial power of Texas vested? How are criminal courts established? How many judges of Supreme Court? How appointed? What term of office? Who is presiding judge? How are vacancies filled? What about appellate jurisdiction? What is the writ of *habeas corpus*, and how issued? What in reference to clerks of Supreme Court? How are district judges appointed? What are their terms of office? When is the question as to election or appointment of district judges to be submitted to the people? What jurisdiction has the District Court? In what cases has it original and exclusive jurisdiction? In criminal cases

## ARTICLE VI.

## RIGHT OF SUFFRAGE.

SECTION 1. Every male citizen of the United States, of the age of twenty-one years and upwards, not laboring under disabilities named in this Constitution, without distinction of race, color or former condition, who shall be a resident of this State at the time of the adoption of this Constitution, or who shall thereafter reside in this State one year, and in the county in which he offers to vote sixty days next preceding any election, shall be entitled to vote for all officers that are now, or hereafter may be elected by the people, and upon all questions submitted to the electors at any election; *provided*, that no person shall be allowed to vote, or hold office, who is now, or hereafter may be disqualified therefor, by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States; *provided, further*, that no person, while kept in any asylum, or confined in prison, or who has been convicted of a felony, or who is of unsound mind, shall be allowed to vote or hold office.

## ARTICLE VII.

## MILITIA.

SECTION 1. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrection and repel invasions.

## ARTICLE VIII.

## IMPEACHMENT.

SECTION 1. The power of impeachment shall be vested in the House of Representatives.

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what are the duties and powers of the jury? What about clerks of district courts? What other positions does the clerk of the district court hold? How may judges be removed and for what? In what cases may a judge not preside? When judges are disqualified or divided in opinion, what then? When may district judges exchange? What about district attorneys? What is the salary of supreme judge? When vacancies occur in district judgeships during a recess of the Senate, what then? What are judges styled? What about trial by jury? How is felony to be tried? How are offences of a lower grade tried? How are sheriffs elected? What their duties and term of office? What about justices of the peace? What their jurisdiction and powers? How are constables appointed? What their duties? How are constables appointed? What their duties? How are sheriffs and justices commissioned? What are their fees of office? How may county and district officers be removed?

SEC. 2. Impeachment of the Governor, Attorney General, Secretary of State, Treasurer, Comptroller, and of the judges of the district courts, shall be tried by the Senate.

SEC. 3. Impeachment of Judges of the Supreme Court shall be tried by the Senate. When sitting as a Court of Impeachment, the Senators shall be upon oath, or affirmation; and no person shall be convicted without the concurrence of two-thirds of the Senators present.

SEC. 4. Judgment, in cases of impeachment, shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under this State; but the parties convicted shall, nevertheless, be subject to indictment, trial and punishment, according to law.

SEC. 5. All officers against whom articles of impeachment may be preferred, shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The appointing power may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer, until the decision on the impeachment.

SEC. 6. The Legislature shall provide for the trial, punishment, and removal from office, of all other officers of the State, by indictment or otherwise.

## ARTICLE IX.

### PUBLIC SCHOOLS.

SECTION 1. It shall be the duty of the Legislature of this State, to make suitable provision for the support and maintenance of a system of public free schools, for the gratuitous instruction of all the inhabitants of this State, between the ages of six and eighteen years.

SEC. 2. There shall be a Superintendent of Public Instruction, who, after the first term of office, shall be elected by the people; the first term of office shall be filled by appointment of the Governor, by and with the advice and consent of the Senate. The Superintendent shall hold his office for the term of four years. He shall receive an annual salary of two thousand five hundred dollars, until otherwise provided by law. In case of vacancy in the office of the Superintendent, it shall be filled by appointment of the Governor, until the next general election.

SEC. 3. The Superintendent shall have the supervision of the pub-

lic free schools of the State, and shall perform such other duties concerning public instruction as the Legislature may direct. The Legislature may lay off the State into convenient school districts, and provide for the formation of a board of school directors in each district. It may give the district boards such legislative powers, in regard to the schools, school houses, and school fund of the district, as may be deemed necessary and proper. It shall be the duty of the Superintendent of Public Instruction to recommend to the Legislature, such provisions of law as may be found necessary, in the progress of time, to the establishment and perfection of a complete system of education, adapted to the circumstances and wants of the people of this State. He shall, at each session of the Legislature, furnish that body with a complete report of all the free schools in the State, giving an account of the condition of the same, and the progress of education within the State. Whenever required by either House of the Legislature, it shall be his duty to furnish all information called for, in relation to public schools.

SEC. 4. The Legislature shall establish a uniform system of public free schools throughout the State.

SEC. 5. The Legislature, at its first session, (or as soon thereafter as may be possible,) shall pass such laws as will require the attendance on the public free schools of the State of all the scholastic population thereof, for the period of at least four months of each and every year; *provided*, that when any of the scholastic inhabitants may be shown to have received regular instruction, for said period of time in each and every year, from any private teacher having a proper certificate of competency, this shall exempt them from the operation of the laws contemplated by this section.

SEC. 6. As a basis for the establishment and endowment of said public free schools, all the funds, lands, and other property heretofore set apart and appropriated, or that may hereafter be set apart and appropriated, for the support and maintenance of public schools, shall constitute the public school fund. And all sums of money that may come to this State hereafter from the sale of any portion of the public domain of the State of Texas, shall also constitute a part of the public school fund. And the Legislature shall appropriate all the proceeds resulting from sales of public lands of this State to such public school fund. And the Legislature shall set apart, for the benefit of public schools, one-fourth of the annual revenue derivable from general taxation; and shall also cause to be levied and collected, an annual poll tax of one dollar, on all male persons in this State, between the ages of twenty-one and sixty years, for the benefit of pub-

lic schools. And said fund and the income derived therefrom, and the taxes herein provided for school purposes, shall be a perpetual fund, to be applied, as needed, exclusively for the education of the scholastic inhabitants of this State ; and no law shall ever be made appropriating such fund for any other use or purpose whatever.

SEC. 7. The Legislature shall, if necessary, in addition to the income derived from the public school fund, and from the taxes for school purposes provided for in the foregoing section, provide for the raising of such amount by taxation, in the several school districts in the State, as will be necessary to provide the necessary school houses in each district, and insure the education of all the scholastic inhabitants of the several districts.

SEC. 8. The public lands heretofore given to counties shall be under the control of the Legislature, and may be sold under such regulations as the Legislature may prescribe ; and in such case the proceeds of the same shall be added to the public school fund.

SEC. 9. The Legislature shall, at its first session, (and from time to time thereafter, as may be found necessary,) provide all needful rules and regulations for the purpose of carrying into effect the provisions of this article. It is made the imperative duty of the Legislature to see to it, that all the children in the State, within the scholastic age, are, without delay, provided with ample means of education. The Legislature shall annually appropriate for school purposes, and to be equally distributed among all the scholastic population of the State, the interest accruing on the School Fund, and the income derived from taxation for school purposes ; and shall, from time to time, as may be necessary, invest the principal of the school fund in the bonds of the United States Government, and in no other security.

## ARTICLE X.

### LAND OFFICE.

SECTION 1. There shall be one General Land Office in the State, which shall be at the seat of government, where all titles which have heretofore emanated or may hereafter emanate from government, shall be registered ; and the Legislature may establish, from time to time, such subordinate offices as they may deem requisite.

SEC. 2. That the residue of the public lands may be ascertained. it is declared that all surveys of land heretofore made, and not returned to the General Land Office, in accordance with the provisions of an act entitled " An act concerning surveys of land," approved 10th February, 1852, are hereby declared null and void.

SEC. 3. All certificates for land located after the 30th day of October, 1856, upon lands which were titled before such location of certificate, are hereby declared null and void; *provided*, that in cases where the location, for the want of correct maps, or proper connection of surveys, is found to be in conflict with older surveys, whether titled or not, such certificates may be lifted and re-located.

SEC. 4. All unsatisfied genuine land certificates, now in existence, shall be surveyed and returned to the General Land Office by the first day of January, 1875, or be forever barred.

SEC. 5. All public lands heretofore reserved for the benefit of railroads or railway companies, shall hereafter be subject to location and survey by any genuine land certificates.

SEC. 6. The Legislature shall not hereafter grant lands to any person or persons, nor shall any certificates for land be sold at the Land Office, except to actual settlers upon the same, and in lots not exceeding one hundred and sixty acres.

SEC. 7. All lands granted to railway companies, which have not been alienated by said companies, in conformity with the terms of their charters, respectively, and the laws of the State under which the grants were made, are hereby declared forfeited to the State for the benefit of the school fund.

SEC. 8. To every head of a family who has not a homestead, there shall be donated one hundred and sixty acres of land out of the public domain, upon the condition that he will select, locate and occupy the same for three years, and pay the office fees on the same. To all single men, twenty-one years of age, there shall be donated eighty acres of land out of the public domain, upon the same terms and conditions as are imposed upon the head of a family.

SEC. 9. The State of Texas hereby releases to the owner or owners of the soil all mines and mineral substances that may be on the same, subject to such uniform rate of taxation as the Legislature may impose.

## ARTICLE XI.

### IMMIGRATION.

SECTION 1. There shall be a Bureau, known as the "Bureau of Immigration," which shall have supervision and control of all matters connected with immigration. The head of this Bureau shall be styled the "Superintendent of Immigration." He shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall

hold his office for four years, and until otherwise fixed by law, shall receive an annual compensation of two thousand dollars. He shall have such further powers and duties connected with immigration as may be given by law.

SEC. 2. The Legislature shall have power to appropriate part of the ordinary revenue of the State for the purpose of promoting and protecting immigration. Such appropriation shall be devoted to defraying the expenses of this Bureau, to the support of agencies in foreign seaports, or seaports of the United States, and to the payment in part or in toto of the passage of immigrants from Europe to this State, and their transportation within this State.

## ARTICLE XII.

### GENERAL PROVISIONS.

SECTION 1. Members of the Legislature, and all officers, before they enter upon the duties of their offices, shall take the following oath or affirmation: "I (A. B.,) do solemnly swear (or affirm) that I will faithfully and impartially discharge and perform all duties incumbent on me as \_\_\_\_\_, according to the best of my skill and ability, and that I will support the Constitution and laws of the United States and of this State. And I do further swear (or affirm) that since the acceptance of this Constitution by the Congress of the United States, I, be-

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### QUESTIONS ON "RIGHT OF SUFFRAGE," "MILITIA," "IMPEACHMENT," "PUBLIC SCHOOLS," "LAND OFFICE," AND "IMMIGRATION."

Who are entitled to vote in Texas? What are the disqualifications? When may the Governor call out the militia? Where is the power of impeachment vested? For what officers shall the Senate be the court of impeachment? What vote is required to convict? How far does judgment extend in such cases? What effect do articles of impeachment have upon officers pending the trial of such impeachment? Who shall provide for the trial of all other officers except those mentioned? Whose duty is it to provide for a system of common schools? What about the Superintendent of Public Instruction? His term of office, salary, duties, etc.? What is said about compulsory attendance upon the schools? What is made the basis for the endowment and establishment of the schools? What about district taxation for building school houses? What about the public lands? What is made the duty of the Legislature in reference to this? What is the law in regard to the Land Office? What surveys are declared void? What certificates? What about public lands heretofore reserved? What is said in regard to the granting of lands hereafter? What about lands heretofore granted to railway companies? What is the law regarding donations of land for homesteads? To whom does the State release mines, etc.? How shall the Bureau of Immigration be organized? Who appoints the Superintendent? What are his duties? How shall immigration be promoted? How shall appropriations be devoted?

ing a citizen of this State, have not fought a duel with deadly weapons, or committed an assault upon any person with deadly weapons, or sent or accepted a challenge to fight a duel with deadly weapons, or acted as second in fighting a duel, or knowingly aided or assisted any one thus offending, either within this State or out of it; that I am not disqualified from holding office under the Fourteenth Amendment to the Constitution of the United States; (or, as the case may be, my disability to hold office under the Fourteenth Amendment to the Constitution of the United States has been removed by act of Congress;) and further, that I am a qualified elector in this State."

SEC. 2. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage those who shall hereafter be convicted of bribery, perjury, forgery, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon, from power, bribery, tumult, or other improper practice.

SEC. 3. Any citizen of this State, who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or commit an assault upon any person with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second, or knowingly aid and assist in any manner those thus offending, shall be deprived of the right of suffrage, or of holding any office of trust or profit under this State.

SEC. 4. In all elections by the people, the vote shall be by ballot; and in all elections by the Senate and House of Representatives, jointly or separately, the vote shall be given *viva voce*, except in the election of their officers.

SEC. 5. The Legislature shall provide by law for the compensation of all officers, servants, agents and public contractors, not provided for by this Constitution; and shall not grant extra compensation to any officer, agent, servant, or public contractor, after such public service shall have been performed or contract entered into for the performance of the same; nor grant, by appropriation or otherwise, any amount of money out of the Treasury of the State to any individual on a claim, real or pretended, where the same shall not have been provided for by pre-existing law.

SEC. 6. No money shall be drawn from the Treasury but in pursuance of specific appropriation made by law; nor shall any appropriation of money be made for a longer term than two years, except for purposes of education; and no appropriations for private or individual purposes or for purposes of internal improvement, shall be made, without the concurrence of two-thirds of both Houses of the

Legislature. A regular statement and account of the receipts and expenditures of all public money shall be published annually in such manner as shall be provided by law; and in no case shall the Legislature have the power to issue "Treasury warrants," "Treasury notes," or paper of any description intended to circulate as money.

SEC. 7. Absence on business of the State, or of the United States, shall not forfeit a residence once obtained, so as to deprive any one of the right of suffrage, or being elected or appointed to any office, under the exceptions contained in this Constitution.

SEC. 8. The Legislature shall have power to provide for deductions from the salaries of public officers, who may neglect the performance of any duty that may be assigned them by law.

SEC. 9. No member of Congress, nor person holding or exercising any office of profit or trust under the United States, or either of them, or under any foreign power, shall be eligible as a member of the Legislature, or hold or exercise any office of profit, or trust, under this State.

SEC. 10. The Legislature shall provide for a change of venue in civil and criminal cases.

SEC. 11. It shall be the duty of the Legislature to pass such laws as may be necessary and proper, to decide differences by arbitration, when the parties shall elect that method of trial.

SEC. 12. All civil officers shall reside within the State; and all district or county officers, within their districts or counties; and shall keep their offices at such places therein as may be required by law.

SEC. 13. General laws, regulating the adoption of children, emancipation of minors, and the granting of divorces, shall be made; but no special law shall be enacted relating to particular and individual cases.

SEC. 14. The rights of married women to their separate property, real and personal, and the increase of the same shall be protected by law; and married women, infants and insane persons, shall not be barred of their rights of property by adverse possession, or law of limitation, of less than seven years from and after the removal of each and all of their respective legal disabilities.

SEC. 15. The Legislature shall have power, and it shall be their duty, to protect by law, from forced sale, a certain portion of the property of all heads of families. The homestead of a family, not to exceed two hundred acres of land, (not included in a city, town or village,) or any city, town or village lot, or lots, not to exceed five thousand dol-

lars in value, at the time of their designation as a homestead, and without reference to the value of any improvements thereon, shall not be subject to forced sale for debts, except they be for the purchase thereof, for the taxes assessed thereon, or for labor and materials expended thereon ; nor shall the owner, if a married man, be at liberty to alienate the same, unless by the consent of the wife, and in such manner as may be prescribed by law.

SEC. 16. The Legislature shall provide in what cases officers shall continue to perform the duties of their offices until their successors shall be duly qualified.

SEC. 17. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title.

SEC. 18. No law shall be revised or amended by reference to its title ; but, in such cases, the act revised, or section amended, shall be re-enacted and published at length.

SEC. 19. Taxation shall be equal and uniform throughout the State. All property in the State shall be taxed in proportion to its value, to be ascertained as directed by law, except such property as two-thirds of both Houses of the Legislature may think proper to exempt from taxation. The Legislature shall have power to levy an income tax, and to tax all persons pursuing any occupation, trade or profession ; *provided*, that the term occupation shall not be construed to apply to pursuits either agricultural or mechanical.

SEC. 20. The annual assessments made upon landed property shall be a lien upon the property, and interest shall run thereon upon each year's assessment.

SEC. 21. Landed property shall not be sold for the taxes due thereon, except under a decree of some court of competent jurisdiction.

SEC. 22. Provisions shall be made by the first Legislature for the condemnation and sale of all lands for taxes due thereon ; and every five years thereafter of all lands the taxes upon which have not been paid to that date.

SEC. 23. It shall be the duty of the Legislature to provide by law, in all cases where State or county debt is created, adequate means for the payment of the current interest, and two per cent. as a sinking fund for the redemption of the principal ; and all such laws shall be irrepealable until principal and interest are fully paid.

SEC. 24. The Legislature shall, at the first session thereof, and may at any subsequent session, establish new counties for the convenience of the inhabitants of such new county or counties ; *provided*,

that no new county shall be established which shall reduce the county or counties, or either of them, from which it shall be taken, to a less area than nine hundred square miles, unless by consent of two-thirds of the Legislature; nor shall any county be laid off of less contents. Every new county, as to the right of suffrage and representation, shall be considered as part of the county or counties from which it was taken, until entitled by numbers, to the right of separate representation. No new county shall be laid off with less than one hundred and fifty qualified jurors, resident at the time therein; nor where the county (or counties) from which the new county is proposed to be taken, would thereby be reduced below that number of qualified jurors; and in all cases where, from the want of qualified jurors, or other cause, the courts cannot properly be held in any county, it shall be the duty of the district judge to certify such fact to the Governor; and the Governor shall, by proclamation, attach such county, for judicial purposes, to that county the county seat of which is nearest the county seat of the county so to be attached.

SEC. 25. Annual pensions may be provided for the surviving veterans of the revolution which separated Texas from Mexico, and for those permanently disabled in the service of the United States during the late rebellion, provided they entered the service from this State.

SEC. 26. Each county in the State shall provide, in such manner as may be prescribed by law, a manual labor poor-house, for taking care of, managing, employing and supplying the wants of its indigent and poor inhabitants; and, under such regulations as the Legislature may direct, all persons committing petty offences in the county may be committed to such manual labor poor-house for correction and employment.

SEC. 27. All persons who, at any time heretofore, lived together as husband and wife, and both of whom, by the law of bondage, were precluded from the rites of matrimony, and continued to live together until the death of one of the parties, shall be considered as having been legally married; and the issue of such cohabitation shall be deemed legitimate. And all such persons as may be now living together in such relation shall be considered as having been legally married; and the children, heretofore or hereafter, born of such cohabitations shall be deemed legitimate.

SEC. 28. Justices of the peace shall assess the property in their respective precincts, under such laws as shall be provided and enacted by the Legislature; and the sheriffs of the several counties of this State shall collect the taxes so assessed.

SEC. 29. Provision shall be made, under adequate penalties, for the

complete registration of all births, deaths and marriages, in every organized county of this State.

SEC. 30. Every person, corporation or company that may commit a homicide through willful act or omission, shall be responsible in exemplary damages to the surviving husband, widow, heirs of his or her body, or such of them as there may be, separately and consecutively, without regard to any criminal proceeding that may or may not be had in relation to the homicide.

SEC. 31. No minister of the gospel, or priest of any denomination whatever, who accepts a seat in the Legislature, as Representative, shall, after such acceptance, be allowed to claim exemption from military service, road duty, or serving on juries, by reason of his said profession.

SEC. 32. The inferior courts of the several counties in this State shall have the power, upon a vote of two-thirds of the qualified voters of the respective counties, to assess, and provide for the collection of a tax upon the taxable property, to aid in the construction of internal improvements; *provided*, that said tax shall never exceed two per cent. upon the value of such property.

SEC. 33. The ordinance of the Convention passed on the first day of February, A. D. 1861, commonly known as the ordinance of secession, was in contravention of the Constitution and laws of the United States, and therefore, null and void from the beginning; and all laws and parts of laws, founded upon said ordinance, were also null and void from the date of their passage. The Legislatures which sat in the State of Texas, from the eighteenth day of March, A. D. 1861, until the 6th day of August, A. D. 1866, had no constitutional authority to make laws binding upon the people of the State of Texas; *provided*, that this section shall not be construed to inhibit the authorities of this State from respecting and enforcing such rules and regulations as were prescribed by the said Legislatures, which were not in violation of the Constitution and laws of the United States, or in aid of the rebellion against the United States, or prejudicial to the citizens of this State who were loyal to the United States, and which have been actually in force or observed in Texas during the above period of time; nor to affect, prejudicially, private rights which may have grown up under such rules and regulations; nor to invalidate official acts, not in aid of the rebellion against the United States, during said period of time. The Legislature which assembled in the city of Austin on the 6th day of August, A. D. 1866, was provisional only, and its acts are to be respected only so far as they were not in violation of the Constitution and laws of the United

States ; or were not intended to reward those who participated in the late rebellion ; or to discriminate between citizens on account of race or color ; or to operate prejudicially to any class of citizens.

SEC. 34. All debts created by the so-called State of Texas, from and after the 28th day of January, 1861, and prior to the 5th day of August, 1865, were, and are null and void ; and the Legislature is prohibited from making any provision for the acknowledgment or payment of such debts. All unpaid balances, whether of salary, *per diem*, or monthly allowance, due to employés of the State, who were in the service thereof, on the said 28th day of January, 1861, civil or military, and who gave their aid, countenance and support, to the rebellion then inaugurated against the government of the United States, or turned their arms against the said government, thereby forfeited the sums severally due to them. All the ten per cent. warrants issued for military services, and exchanged during the rebellion, at the Treasury, for non-interest warrants, are hereby declared to have been fully paid and discharged ; *provided*, that any loyal person, or his or her heirs or legal representative, may, by proper legal proceedings, to be commenced within two years after the acceptance of this Constitution by the Congress of the United States, show proof in avoidance of any contract made, or revise or annul any decree or judgment rendered, since the said twenty-eighth day of January, 1861, when, through fraud practiced, or threats of violence used towards such persons, no adequate consideration for the contract has been received ; or when, through absence from the State of such person, or through political prejudice against such person, the decision complained of was not fair nor impartial.

SEC. 35. Within five years after the acceptance of this Constitution, the laws, civil and criminal, shall be revised, digested, arranged and published in such manner as the Legislature shall direct ; and a like revision, digest, and publication shall be made every ten years thereafter.

SEC. 36. No lottery shall be authorized by this State ; and the buying and selling of lottery tickets within this State is prohibited.

SEC. 37. No divorce shall be granted by the Legislature.

SEC. 38. The duration of all offices, not fixed by this Constitution, shall never exceed four years.

SEC. 39. No soldier shall, in time of peace, be quartered in the house or within the enclosure of any individual without the consent of the owner ; nor in time of war, but in a manner prescribed by law.

SEC. 40. All sales of landed property, made under decrees of courts in this State shall be offered to bidders in lots of not less than ten, nor more than forty acres, except in towns or cities—including sales for taxes.

SEC. 41. All civil officers of this State shall be removable by an address of two-thirds of the members elect to each House of the Legislature, except those whose removal is otherwise provided for by this Constitution.

SEC. 42. The accounting officers of this State shall neither draw nor pay a warrant upon the treasury, in favor of any person for salary or compensation, as agent, officer, or appointee, who holds at the same time any other office or position of honor, trust or profit, under the State or the United States, except as prescribed in this Constitution.

SEC. 43. The statutes of limitation of civil suits were suspended by the so-called act of secession of the 28th of January, 1861, and shall be considered as suspended within this State, until the acceptance of this Constitution by the United States Congress.

SEC. 44. All usury laws are abolished in this State, and the Legislature is forbidden from making laws limiting the parties to contracts in the amount of interest they may agree upon for loans of money or other property; *provided*, this section is not intended to change the provisions of law fixing rate of interest in contracts, where the rate of interest is not specified.

SEC. 45. All the qualified voters of each county shall also be qualified jurors of such county.

SEC. 46. It shall be the duty of the Legislature, after the adoption of this Constitution, to levy a special road tax upon the taxable property of all persons in this State, and appropriate the same to the building of bridges and the improvement of public roads in the different counties in the State, under such rules and regulations as the Legislature shall provide; and no law shall be passed requiring the personal services of any portion of the people on public roads.

SEC. 47. Mechanics and artisans of every class, shall have a lien upon the articles manufactured or repaired by them for the value of their labor done thereon, or materials furnished therefor; and the Legislature shall provide by law for the speedy and efficient enforcement of said liens.

SEC. 48. The Legislature may prohibit the sale of all intoxicating or spirituous liquors in the immediate vicinity of any college or seminary of learning; *provided*, said college or seminary be located other than at a county seat or at the State capital.

SEC. 49. The Legislature shall give effect to the foregoing general provisions, and all other provisions of this Constitution, which require Legislative action, according to their spirit and intent, by appropriate acts, bills or joint resolutions.

SEC. 50. The Legislature, whenever two-thirds of each House shall deem it necessary, may propose amendments to this Constitution; which proposed amendments shall be duly published in the public prints of this State at least three months before the next general election of Representatives, for the consideration of the people; and it shall be the duty of the several returning officers at the next general election which shall be thus holden, to open a poll for and make a return to the Secretary of State of the names of all those voting for Representatives who have voted on such proposed amendments; and if thereupon it shall appear that a majority of those voting upon the proposed amendments have voted in favor of such proposed amendments, and two-thirds of each House of the next Legislature shall after such election, ratify the same amendments by yeas and nays, they shall be valid to all intents and purposes as parts of this Constitution; *provided*, that the said proposed amendments shall, at each of the said sessions, have been read on three several days in each House.

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#### QUESTIONS ON "GENERAL PROVISIONS."

What oath is required of members of the Legislature and all other officers? Who are excluded from holding office? How shall free suffrage be supported? What about duels, challenges, etc.? How shall the people vote? Who shall provide for compensation of officers? How shall money be drawn from the treasury? How shall appropriations be made? How often shall a statement of receipts and expenditures be published? Shall treasury notes be issued to be used as money? What is said about absence from the State? What about deductions from salaries? What about members of Congress or persons holding offices under U. S.? Who shall provide for change of venue? Who shall decide difference by arbitration, and how? What about residence of officers? What is said about general laws regulating the adoption of children, etc.? What in reference to married women's rights and the rights of children? What regarding homestead and other exemptions? Performance of official duties? How many objects shall be expressed in one law? How shall laws be revised? What about taxation? Tax liens? How may landed property be sold for taxes? What about interest and sinking fund of State and county debts? What about new counties, their size, suffrage, jurors, etc.? When and how may pensions be granted? What is said regarding poor-houses? Marriage and legitimacy? How shall property be assessed and taxes collected? What about births, deaths, and marriages? Damages for homicides? Exemption of priests and ministers? Tax for internal improvements? What about secession and the laws founded thereon? What is said about the debts created by Texas between 28th January, 1861, and August 5th, 1865? What about revision of laws? What is the law regarding lotteries? Divorces? Terms of office not fixed by Constitution? Removals from office? When shall salaries not be paid? When were the statutes of limitation suspended? What about usury laws? Who are qualified jurors? What about road taxes, etc.? Liens? Sale of intoxicating liquors? How shall effect be given to the provisions of this Constitution? How may it be amended?

## GENERAL REVIEW QUESTIONS.

Answers to most of the following will be found in this book. Answers to some are given below, and to the others can readily be found by the student.

1. In what part of the United States is Texas ?
2. What are its boundaries ?
3. What its area ?
4. What its principal rivers ?
5. Towns ?
6. What its chief products ?
7. What is the capital of Texas ?
8. Where situated ?
9. What latitude and longitude ? *Ans. Lat. 30-16½. Long. 97-44.*
10. When did it become the permanent capital ?
11. Who was the first white discoverer of Texas ?
12. Of what nation was he ?
13. When was the government of Texas transferred from Spain to Mexico ?
14. When did Texas become independent of Mexico ?
15. Who was Stephen F. Austin ?
16. When did he first visit Texas ?
17. When did he die ?
18. Who was the first President of Texas ?
19. Who the subsequent Presidents ?
20. What was the prevailing religion of Mexico ?
21. Was this religion forced upon the early settlers of Texas ?  
*Ans. No.*
22. What is the eastern boundary of Texas ?
23. What the western ?
24. What the northern and southern ?
25. What battle sealed the independence of Texas ?
26. Where is the San Jacinto river ?
27. What its length and where does it empty its waters ?
28. What town is near the battle-field of San Jacinto ?

29. Where is Galveston island ?
30. What is its extent in length and breadth ?
31. What celebrated freebooter held his headquarters there in 1817 to 1820 ?
32. What is the name of the largest town in Western Texas ?
33. Where is it situated ?
34. When and by whom founded ?
35. Where is Jefferson, Texas ?
36. Where Tyler ?
37. Where Dallas ?
38. Nacogdoches ?
39. Waco ?
40. Houston ?
41. When did Texas become a State in the Union ?
42. Who was the first Governor ?
43. Who the subsequent Governors ?
44. How many counties has Texas ?
45. When did Texas secede from the Union ?
46. When did she return ?
47. Give the exact time of each of these events.
48. Name some of the oldest towns in Texas and the date of their settlement.
49. When was the first Constitution of the State of Texas adopted ?
50. When was the present Constitution adopted ?
51. How many are in the Senate of Texas ?
52. How many in the House of Representatives ?
53. What are the qualifications required of each ?
54. Name the officers composing the executive department of Texas.
55. The legislative department.
56. The judiciary department.
57. How often does the Legislature of Texas meet in regular session ?
58. How many Senators and Representatives in the U. S. Congress has Texas ?
59. What is the general course of the rivers of Texas ?
60. What part of Texas is most wooded ? *Ans.* Eastern Texas.
61. Where are the prairie lands principally to be found ? *Ans.* In the western part of the State.
62. Where is the Texas penitentiary ?
63. Where is Huntsville ?
64. What part of Texas is most exposed to invasions from Indians ?  
*Ans.* The northwestern and western frontier.
65. What Indians are most troublesome ? *Ans.* The Comanches.

66. What is the number of this tribe? *Ans.* They are supposed to have still five or six thousand warriors.
67. What was the population of Texas in 1870?
68. What is supposed to be its present population?
69. What foreign countries are contributing most largely to the population of Texas? *Ans.* Sweden and the German States.
70. What is the area of Texas?
71. Then what its population to the square mile? *Ans.* Between three and four persons.
72. What is the area of New York State?
73. What is the population of New York State to the square mile? *Ans.* About eighty persons.
74. How many would Texas accommodate at the same ratio?
75. What is the difference in time between Austin, Texas, and Washington, D. C.? *Ans.* The time at Austin is one hour twenty two minutes and forty-three seconds slower than at Washington; or in other words, when it is twelve o'clock M. at Austin, it is about twenty-three minutes past one at Washington.
76. Explain this.

A P P E N D I X:

BEING

A COLLECTION OF EXTRACTS

FROM THE

WRITINGS and SPEECHES

OF

EARLY AND PROMINENT TEXANS.

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DESIGNED FOR READING AND DECLAMATION.

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## APPENDIX.

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*From the Proclamation of Gen. Sam Houston, Commander-in-Chief,  
Dec. 12, 1835.*

*"Citizens of Texas:* Your rights must be defended. The oppressors must be driven from our soil. Submission to the laws and union among ourselves will render us invincible; subordination and discipline in our army will guarantee to us victory and renown.

"Our invader has sworn to exterminate us or sweep us from the soil of Texas. He is vigilant in his work of oppression, and has ordered to Texas ten thousand men to enforce the unhallowed purposes of his ambition. His letters to his subalterns in Texas have been intercepted, and his plans for our destruction are disclosed. Departing from the chivalric principles of civilized warfare, he has ordered arms to be distributed to a portion of our population for the purpose of creating in our midst a servile war. The hopes of the usurper were inspired by a belief that the citizens of Texas were disunited and divided in opinion: that alone has been the cause of the present invasion of our rights. He shall realize the fallacy of his hopes, in the *union* of our citizens, and in their *eternal resistance* to his plans against constitutional liberty. We will enjoy our birth-right or perish in its defence."

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*From the Report of Thomas J. Rusk, Secretary of War, relative to  
the battle of San Jacinto, April 26, 1836.*

"This glorious achievement is attributed not to superior force, but to the valor of our soldiers and the sanctity of our cause. Our army consisted of seven hundred and fifty effective men. This brave band achieved a victory as glorious as any on the records of history, and the happy consequences will be felt in Texas by succeeding generations. It has saved the country from a yoke of bondage, and all who partici-

pated in it are entitled to the special munificence of government, and the heartfelt gratitude of every lover of liberty. The sun was sinking in the horizon as the battle commenced, but at the close of the conflict the sun of liberty and independence rose in Texas, never, never to be obscured by the clouds of despotism. We have read deeds of chivalry, and perused with ardor the annals of war. We have contemplated with the highest emotions of sublimity, the loud roaring thunder—the desolating tornado—and the withering simoom of the desert; but neither of these, nor all of them, inspired us with emotions like those felt on this occasion. The officers and men were actuated by a like enthusiasm. A general cry pervaded the ranks, and that cry was: "Remember the Alamo! remember La Bahia!"\* These words electrified all. "Onward" was the cry. The unerring aim, and irresistible energy of the Texan army, could not be withstood. It was freemen fighting against the minions of tyranny, and the result proved the inequality of the contest."

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*From Mrs. Holly's History of Texas.*

#### A TEXAS PRAIRIE IN SPRING TIME.

"It is impossible to imagine the beauty of a Texas prairie when in the vernal season its rich luxuriant herbage, adorned with many thousand flowers of every size and hue, seems to realize the vision of a terrestrial paradise. The delicate, gay and gaudy, are intermingled in delightful confusion; and these fanciful bouquets of fairy Nature borrow ten-fold charms when associated with the verdant carpet of grass which modestly mantles around.

One feels that Omnipotence has here consecrated in the bosom of Nature, and under Heaven's wide canopy, a glorious temple in which to receive the praise and adoration of the grateful beholder; and cold indeed must be the soul from which no homage could here be elicited. Methinks the veriest infidel would here be constrained to bow and worship."

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*From "Letters from Texas."*

#### A PRAIRIE SUNSET.

"You have doubtless often read of a sunset at sea, but I presume have never read of a sunset on the prairie.

"Splendid as is the former, it does not eclipse the latter. When

\* La Bahia, the early name of Goliad.

far away from home and kindred, upon the bosom of the mighty deep, I have sat and watched the orb of day as he slowly sank into his ocean bed, and thought the world could not afford another sight as beautiful. But when upon the wide prairie, night approaches the beholder, and the dazzling, golden rays of the sun begin to redden; and the mighty day-god lays aside his piercing appearance, and permits the eye of man to gaze upon him with impunity, then, indeed, the soul is filled with wonder at the sublimity of the scene. The gorgeous clouds form a rosy pathway for him to tread, as he walks downward into his bed of flowers and verdure. Around him float airy purple clouds, while beneath are others tinged with the richest of vermillion.

As he sinks slowly down, he resembles a huge ball of fire falling amidst the grass of the prairie. When at length the sun is hid for the night, the fleecy clouds float for a few moments beneath the azure sky, and then disappear.

Then the bright silver stars come peeping forth, one after another, gladdening the eye with their twinkling light. Then comes up the full, round moon, attended by myriads more of bright stars, into the firmament already studded with these gems. Soon the light is sufficiently bright to enable the student to continue his labors by the moon's rays. He who is an admirer of the beauties of nature, cannot look upon a scene like this unmoved. The wide prairie which lies spread out on every side, is here and there relieved by a clump of trees, which serves to render the scene more enchanting. Poets have often sung of the beauty of Italian skies, but those who have seen both, pronounce ours equally beautiful. It does not appear to me possible that there can be a land more lovely than Texas."

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*From President Houston's letter to Santa Anna in March, 1842.*

" You touchingly invite 'Texas to cover herself anew with the Mexican flag.' You certainly intend this as a mockery. You denied us the enjoyment of the laws under which we came to the country. Her flag was never raised in our behalf, nor has it been seen in Texas except when displayed in an attempt at our subjugation. We know your lenity—we know your mercy—we are ready again to test your powers. You have threatened to plant your banner on the banks of the Sabine. Is this done to intimidate us? Is it done to alarm us? Or do you deem it the most successful mode of conquest? If the latter, it may do to amuse the people surrounding you. If to alarm us, it will amuse those conversant with the history of your last campaign. If to intimidate us, the threat is idle. We have

desired peace,—you have annoyed our frontier,—you have harassed our citizens; you have incarcerated our traders, after your commissioners had been kindly received, and your citizens allowed the privileges of commerce in Texas without molestation.

“ You continue aggression—you will not accord to us peace. *We will have it!* You threaten to conquer Texas. We will war with Mexico. Your pretensions with ours you have referred to the world, and to the God of battles. We refer ours to the same tribunals. The issue involves the fate of nations. The event is known to the tribunal of heaven. If the experience of the past will authorize speculations of the future, the attitude of Mexico is more ‘ problematical ’ than that of Texas.”

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*From Gov. Smith's Address to the People of Texas.*

EXECUTIVE DEPARTMENT, March, 1836.

“ TEXAS EXPECTS EVERY MAN TO DO HIS DUTY.”

“ *Fellow Citizens of Texas:* The enemy are upon us. A strong force surrounds the walls of the Alamo, and threatens that garrison with the sword. Our country imperiously demands the service of every patriotic arm, and longer to continue in a state of apathy will be criminal. Citizens of Texas! descendants of Washington! awake! arouse yourselves!! The question is now to be decided, are we to continue freemen, or bow beneath the rod of military despotism? Shall we, without a struggle, sacrifice our fortunes, our liberties, and our lives, or shall we imitate the example of our forefathers, and hurl destruction on the heads of our oppressors? The eyes of the world are upon us! All friends of liberty and the rights of man are anxious spectators of our conflict; or are enlisted in our cause. Shall we disappoint their hopes and expectations? No! Let us at once fly to arms, march to the battle-field, meet the foe, and give renewed evidence to the world that the arms of freemen uplifted in defence of their liberties and rights are irresistible. ‘ Now is the day and now is the hour ’ that Texas expects every man to do his duty, Let us show ourselves worthy to be free and *we shall be free!* ”

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*President Burnet's Proclamation to the People of Texas, June 20, 1836.*

“ *Citizens of Texas:* The enemy are again preparing to invade our soil. Intent on vengeance for their defeat, they have rallied another horde of miscreants, and hope to accomplish by their hasty levies, a conquest which the utmost exertions of their favorite chieftain has

failed to effect. Urrea, the cold-blooded murderer of the gallant Fannin and his noble band, leads the returning vandal host, and threatens to exterminate all free-born Texans. Again, fellow citizens, you are called upon to rally to the standard of your country, to sustain the independence you have solemnly pronounced, and to preserve your homes, your domestic altars, and your sacred liberty from pollution and enthrallment. The approaching army threatens to be more formidable than that you so lately and so gloriously vanquished on the plains of San Jacinto. But Texans! what you have once done, you can do again. It is the peculiar property of true courage to rise in dignity, and in spirit, as the pressure of adverse circumstances increases; to brighten in cheerfulness and resolution, as the storm lowers and gathers darkness. Let us exemplify as a people, this glorious property of the highest military attribute. Let every citizen of Texas repair with alacrity to his post. It is the sacred duty of every man who calls Texas his home, and who claims a proprietary interest in her soil, to stand forth in her defence, in this her hour of peril. Let none prove recreant. The trial of *real* patriotism is at hand. Action, prompt energetic action, is the best evidence of a patriot's zeal. Noisy and blustering words may deceive for a time, but right actions carry conviction to the mind. Let us realize that the 'best security for our families is to be found in a gallant bearing before the enemy.' The army is the best buckler we can throw around our wives and children. The contest is for life, liberty and independence. Let every man do his duty, and the glorious prize will be gloriously won."

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*Houston to Santa Anna, March, 1842.*

"Then was presented to Texas the alternative of tamely crouching to the tyrant's lash, or exalting themselves to the attributes of freemen. They chose the latter. To chastise them for their presumption you advanced upon Texas with your boasted veteran army. You besieged and took the Alamo, but under what circumstances? Not surely those which should characterize a general of the nineteenth century. You assailed one hundred and fifty men destitute of every supply requisite for defense. Its brave defenders, worn down by constant vigilance, and unremitting duty, were at length overwhelmed by nine thousand men, and the place taken. I ask you, sir, what scenes followed? Were they such as should characterize an able General, a magnanimous warrior, and the President of a great nation? No! Manliness and generosity would sicken at the recital of the scenes incident to your success, and humanity would blush to class you among the chivalric spirits of the age of vandalism. This you are pleased

to class in the ‘succession of your victories,’ and I presume you would also include the massacre at Goliad. Your triumph there, if such you are pleased to term it, was not the triumph of arms,—it was the success of perfidy! Fannin and his brave companions had beaten back and defied your veterans. Although outnumbered more than seven to one, their valiant, hearty and indomitable courage, and holy devotion to the cause of freedom, had foiled every effort of your General to insure his success by arms. He had recourse to a flag of truce; and when the surrender of the little patriot band was secured by the most solemn treaty stipulations, what were the tragic scenes which ensued? The conditions of the surrender were submitted to you, and, though you have denied the facts, instead of restoring them to liberty according to the conditions of the capitulation, you ordered them to be executed, contrary to every pledge given them, contrary to the rules of war, contrary to every principle of humanity. Yet at this day you have the effrontery to animadvert upon the conduct of Texans relative to your captivity after the battle of San Jacinto.”

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#### “THE FLAG OF THE LONE STAR.”

“It is universally believed in Georgia, that the flag of the lone star was the work of Miss Troutman, of Crawford county, Georgia, now Mrs. Pope, of Alabama; and by her presented to the Georgia battalion, commanded by Lieut-Col. Ward. \* \* \*

“It was of plain white silk, bearing an azure star of five points on either side. On one side was the inscription: “*Liberty or Death*,” and on the other, the appropriate Latin motto: “*Ubi Libertas habitat ibi nostra patria est*.”

“This flag was unfurled at Velasco on the 8th day of January, 1836, and proudly floated on the breeze from the same liberty pole with the first flag of independence, which had just been brought from Goliad by the valiant Capt. William Brown, who subsequently did such daring service in the navy of Texas. \* \* \*

“On the meeting of the first Congress, the flag of the lone star was adopted as the national flag of the young Republic.

“A correspondent of the *Central Texian* denies the claim of Georgia, and insists that the *first* lone star flag ever unfurled in Texas, was presented by Mrs. Sarah R. Dodson to a company of volunteers raised in Harrisburgh, Texas, in 1835, and commanded by Capt. Andrew Robinson. The flag was a tri-color of white, red and blue. The star was white, five pointed, and set in a ground of red.”

—*Texas Almanac for 1861.*

## THE STAR AND CUP.

BY PRESIDENT LAMAR.

"The second of March, the anniversary of the independence of Texas, was on one occasion celebrated in a grove in Washington county, and the rigid exclusion of wine was made a special feature of the rural banquet. The cup which circulated that day under our Lone Star,' was filled with the pure crystal water of the spring. Hence these lines and their title :

"I love the bright Lone Star, that gems  
 The banner of the brave ;  
 I love the light that guideth men,  
 To freedom or the grave.  
 But oh ; there is a fairer Star  
 Of pure and holy ray,  
 That lights to glory's higher crown,  
 And freedom's brighter day.  
 It is the Star before whose beams,  
 All earth should bow the knee,—  
 The Star that rose o'er Bethlehem  
 And set on Calvary.

" Let others round the festive board,  
 The maddening wine cup drain ;  
 Let others court its guilty joys,  
 And reap repentant pain.  
 But oh ! there is a sweeter cup,  
 And be its raptures mine,  
 Whose fragrance is the breath of life—  
 Whose spirit is divine.  
 It is the cup that Jesus filled;  
 He kissed its sacred brim :  
 And left the world to do the same  
 In memory of Him."

---

*From the Texas Almanac, 1860.*

" We take the following interesting document from the *State Gazette*, and by it copied from the *Texas Republican*, published at Brazoria, dated January 13, 1836. It is said to be the only copy in existence,"

*Extract from the concluding part of a Declaration of Independence,  
made by the citizens of Goliad, Dec. 22, 1835.*

*"Men of Texas:* Nothing short of independence can place us upon solid ground. This step will. This step, too, will entitle us to confidence, and will procure credit abroad. Without it, every aid we receive must emanate from the enthusiasm of the moment, and with the moment will pass away or die forever. Unless we take this step, no foreign power can either respect or even know us. None will hazard a rupture with Mexico, impotent as she is, or incur censure from other powers for interference with the internal affairs of a friendly State, to aid us in any way whatever. Our letters of marque and reprisal must float at the mercy of every nation. And whatever courtesy or kindly feeling may do, or forbear to do in aid of our struggle prosecuted on the purest basis, it would be idle, and worse than childlike to flatter ourselves with the hope of any permanent benefit from this branch of the service, without declaring to the world as a people, our independence of military Mexico. Let us take the tyrant and his hirelings at their word. They will not know *us* but as enemies. Let us then hereafter know them as independent States know each other,—as "*enemies in war—in peace, friends.*" Therefore,

1. "*Be it resolved*, That the former province and department of Texas is, and of right ought to be, a free, sovereign, and independent State.

2. "*That as such it has, and ought to have, all the powers, faculties, tributes, and immunities of other independent nations.*

3. "*That we, who hereto set our names, pledge to each other our lives, our fortunes, and our sacred honor, to sustain this declaration, relying with entire confidence on the co-operation of our fellow citizens, and the approving smiles of God, to aid and conduct us victoriously through the struggle to the enjoyment of peace, union, and good government; and invoking His maledictions if we should either equivocate, or in any manner whatever, prove ourselves unworthy of the high destiny at which we aim."*

Signed by Wm. G. HILL, J. T. BELL, IRA INGRAM, and eighty-eight others.

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*From President Lamar's Message, November, 1840.\**

"Scarcely five years have elapsed since Texas, without money or arms, or any of the means of war, and with a population of less than forty thousand souls, first raised the standard of resistance to the des-

\* This long sentence will furnish a good exercise in reading or speaking.

potism and misrule of a government claiming the control of boundless wealth, and of eight millions of inhabitants ; and yet, within that short period, and against such fearful odds, she has not only achieved and secured her independence beyond the reach of doubt, but has maintained a well organized government at home, established foreign relations abroad, more than quadrupled her population, and now exhibits to the world a country teeming with all that is essential to the necessities or happiness of man ; and this, too, without incurring a debt exceeding five millions of dollars including every species of liability both foreign and domestic. Can such a state of things as this produce gloom and despondency in the hearts of those whose indomitable courage, and persevering resolves have achieved so much ?

“ Assuredly not—on the contrary we find in it abundant cause to felicitate ourselves on the almost magical change which in so short a time has already been produced, and every inducement to stimulate us in the pursuit of that policy which has thus far led to such fortunate results.”

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*Speech of Hon. D. S. Kaufman welcoming M. De Saligny to the House  
of Representatives of Texas, November 17, 1840.*

“ SIR : On behalf of the House of Representatives I welcome your presence in this hall. In you we recognize an ardent and devoted friend of Texas ; and more than all, an able and faithful representative of that great and gallant nation, the very mention of whose name cannot fail to excite the liveliest emotions of gratitude in the bosom of every American. Your liberal and illustrious sovereign, Louis Philippe, always jealous of his country’s honor and glory, has never yet evinced an envy of another nation’s success. A monarchy herself, France has always been ready to extend to republics the right hand of fellowship. We have read and heard of her magnanimity to the United States when struggling with the gigantic power of Britain ; we have seen and felt her friendship towards us, when we were as yet unnoticed and unknown. She has taken us by the hand, and welcomed us into the family of nations. \* \* \*

To you, sir, as the pupil of the illustrious Lafayette, we feel much indebted for our elevated stand among the nations of the earth. You have spared no pains—you have left untried no exertions, to disabuse the European mind of unjust prejudice against our infant Republic. Go on, sir, in your friendly work. Republics are *not* ungrateful. Texas will long remember with gratitude your friendship to the cause.

“ May the banners of the *tri-color* and the *lone star* always wave in

friendship and in triumph ; and may the rude blasts of discord never disturb their peaceful folds ! In the name of the people of Texas, I greet you !”

---

*From a Speech of Hon. Forbes Britton, November 21, 1857.*

“ SIR : come with me for a moment to the border dwelling. Do you see in the log cabin, that old, grey-headed man, who sits over the dying embers, his head bowed in sorrow. His hearthstone is bathed in tears, his lonely cottage is draped in mourning ; his stalwart boy, the prop and staff of his declining years, rests beneath yonder oak. In a paroxysm of hope, he raises his tearful eyes to the flag of his country ; and it mocks his agony in its *violated promises of protection*. That female form crouching by his side, wringing her hands in despair, has lost her husband, her idol, her joy. Lean forward and catch the almost inaudible sounds as they escape from her quivering lips, and you will hear the meek and submissive prayer : ‘ Thy will be done on earth as it is in Heaven.’ No marble slab tells the mournful story, but look into their hearts, and you will find inscribed there : ‘ My poor boy ! my husband !’ Sir, this is the work of the scalping-knife. It is no idle picture—no *ignis fatuus* of the brain to lead off the imagination. No sir ; I speak what I know. It is true. There is not a returning season of spring that the lintels of our doors are not stained with the blood of our people. Then, sir, if it but save the life of one man, woman or child, give us the pittance we ask ! In the name of Justice,—in the name of Mercy,—I ask the passage of the bill.”

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*From the remarks of Chief Justice Hemphill on the announcement to the Supreme Court of the death of Gen. James Hamilton,*  
*December, 1857.*

“ James Hamilton can never be forgotten by Texas, the hearts of whose people cannot disregard his great public services. Among all of her noble citizens, not one made greater sacrifices, or served the State with a purer or more earnest devotion. His body lies engulfed in the ocean ; but his name, his great deeds, his illustrious example, and the memory of his virtues, remain. His fame is burnished on the proudest page of history, and will endure as long as history itself shall survive. He was endowed with the finest social qualities. His was the heart to charm, and to be loved by all with whom he had intercourse. To the beautiful proprieties of his domestic re-

lations, the love, tenderness and affection, which, as with a halo, encircled his family, we can only allude. In the depth and anguish of their affliction, that circle is sacred, and shall not by us be invaded."

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*From the Eulogy on the Death of Hon. James Webb, delivered by Hon. J. C. Wilson, November, 1856.*

"He is dead. A gentleman by nature, by culture, by association, but not by these alone. He would have been a gentleman anywhere, and under any circumstances. His patent of nobility was stamped upon the surface; but better far, it was stamped upon the soul. He had the heart of a true man. It was a strong, brave and joyous heart; cheerful, though scarred by disappointments and bereavements. Youthful and glowing, though it beat beneath the frosts of four and sixty winters. It was a feeling, generous, bold, manly heart; and the man whose breast is warmed by such an one,—I care not where or how his lot be cast—is a nobleman of God Almighty's own making. That heart is cold and still. It will shed its genial warmth around the circle no more. No more shall we listen to his genial wit, or calm, unpretending wisdom, in the social gathering; nor hear from him the full and fluent tide of learning in the forum. He is gone—the modest, gentle, and gifted—the wise and learned, the kind and true, has passed away from earth forever."

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*From the Funeral Oration by President David G. Burnet over the remains of Gen. John A. Wharton, December, 1838.*

"The keenest blade of the field of San Jacinto is broken. The brave, the generous, the talented John A. Wharton is no more. His poor remains lie cold and senseless before you, wrapped in the habiliments of the grave, and awaiting your kind offices to carry them to the charnel house appointed to all the living. A braver heart never ceased its beating. A nobler soul, more deeply imbued with the spirit of patriotism, never passed from its tenement of clay to the more genial realms of immortality. \* \* \*

"Many princes of the earth have perished in their prime, surrounded with all the gorgeous splendor of wealth and power, and their country has suffered no damage, but surely it will be engraven upon the tablet of history that Texas wept when John A. Wharton died. \* \* \*

He was among the first to propose the independence of Texas, and true to the frankness of his nature, he was foremost among those

who nobly bared their bosoms to the storm when the declaration which gave assurance to the world that a man-child was born into the family of nations, was pronounced. The brief time given us to linger over his form is insufficient to recite the story of his gallantry. It is enough to know that he was distinguished upon the field of San Jacinto,—for there were no recreants there. All had strung their dauntless spirits to the high resolve of *liberty or death*; and he who could be conspicuous on *such* a field, must be a hero—nay—a hero among heroes. \* \* \* \* \* You, gentlemen of the House of Representatives, are bereaved of one whose place it will be difficult to fill with equal endowments. The eloquent tongue is hushed. Those lips that never moved except under the inspiration of '*words that breathe and thoughts that burn*,' are closed forever. No more shall these walls re-echo their thrilling tones. To you, soldiers, he was endeared by many ties. \* \* \* \* \*

Behold your companion in arms, cold, silent, prostrate. No more shall the din of war arouse his martial spirit to deeds of high enterprise. That lifeless clay would heed it not, for the bright spirit which lately animated and adorned it, has passed triumphantly beyond the narrow boundary of mortal strife to that blessed region where 'wars and rumors of wars' are never heard."

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*From Pease's History of Texas. Extract from an Address Delivered by Stephen F. Austin, in Louisville, Ky., March, 1836.*

\* \* \* \* \* "When a people consider themselves compelled by circumstances or by oppression, to appeal to arms and resort to their natural rights, they necessarily submit their cause to the great tribunal of public opinion. The people of Texas, confident in the justice of their cause, fearlessly and cheerfully appeal to this tribunal. In doing this, the first step is to show, as I trust I shall be able by a succinct statement of facts, that our cause is just, and is the cause of light and liberty; the same holy cause for which our forefathers fought and bled; the same cause that has an advocate in the bosom of every freeman, no matter in what country, or by what people it may be contended for. \* \* \* \* \*

"The emancipation of Texas will extend the principles of self-government over a rich and neighboring country, and open a vast field there for enterprise, wealth and happiness; and for those who wish to escape the frozen blasts of a Northern climate, by removing to a more congenial one. It will promote and accelerate the march of the present age, for it will open a door through which a bright and constant stream of light and intelligence will flow from this great northern fountain over the benighted regions of Mexico." \* \* \* \*

[The following poem is from the pen of Col. R. M. Potter, first Secretary of the Navy of the Republic of Texas. It has often been incorrectly published. It was furnished by the author in his own handwriting to the publisher from whom I obtained it.]

---

### “ HYMN OF THE ALAMO.”

“Arise! man the wall—our clarion blast  
Now sounds its final reveille,—  
This dawning morn must be the last  
Our fated band shall ever see.  
To life, but not to hope, farewell.  
Yon trumpet’s clang and cannon’s peal,  
And storming shout and clash of steel,  
Is ours,—but not our *country’s* knell.  
Welcome the Spartan’s death—  
’Tis no despairing strife—  
We fall—we die—but our expiring breath  
Is freedom’s breath of life.

“Here on this new Thermopylæ,  
Our monument shall tower on high,  
And, ALAMO, hereafter be  
On bloodier fields the battle cry ;—  
Thus Travis from the rampart cried;  
And when his warriors saw the foe  
Like whelming billows move below,—  
At once each dauntless heart replied,  
Welcome the Spartan’s death—  
’Tis no despairing strife—  
We fall, but our expiring breath  
Is freedom’s breath of life.

“They come—like autumn leaves they fall,  
Yet hordes on hordes they onward rush,  
With gory tramp they mount the wall,  
Till numbers the defenders crush.  
The last was felled the fight to gain,  
Well may the ruffians quake to tell  
How Travis and his hundred fell,  
Amid a thousand foemen slain.

They died the Spartan’s death,—  
But not in hopeless strife :  
Like brothers died—and their expiring breath  
Was freedom’s breath of life.”

*From the Valedictory Address of Anson Jones, President of the Republic of Texas, Delivered upon the occasion of the Inauguration of the new State Government, February 19, 1846.*

"The great measure of annexation so earnestly discussed is happily consummated. The present occasion so full of interest to us and to all the people of this country is an earnest of that consummation; and I am happy to greet you, their chosen representatives, and to tender to you my cordial congratulations on an event the most extraordinary in the annals of the world—one which makes a bright triumph in the history of republican institutions. A government is changed both in its officers and in its organization—not by violence and disorder,—but by the deliberate and free consent of its citizens; and amid perfect and universal peace and tranquillity, the sovereignty of the nation is surrendered, and incorporated with that of another.

\* \* \* \* \*

"The Lone Star of Texas, which ten years since arose amid clouds, over fields of carnage, and obscurely seen for a while, has culminated, and following an inscrutable destiny, has passed on and become fixed forever in that glorious constellation which all freemen and lovers of freedom in the world, must reverence and adore—the *American Union*. Blending its rays with its sister States, long may it continue to shine, and may generous Heaven smile upon this consummation of the wishes of the two Republics now joined in one. May the Union be perpetual, and may it be the means of conferring benefits and blessings upon the people of all the States, is my ardent prayer.

"The first act in the great drama is now performed. The Republic of Texas is no more."

---

*From the Report of the Committee on Foreign Relations to the Senate of the Republic of Texas, January 20, 1845.*

"The annexation of Texas to the United States, already so emphatically willed by the people of both countries, will, when consummated, be among the most interesting events recorded in the annals of history. It will stand without a parallel in political changes. It is true that the chronicles of nations are full of the change of governments, of the extension of empire, of the partition of the weaker among the stronger powers; but this will be the first instance where a few sovereign and independent people will have merged their government in another by their own free will and consent.

Other nations have lost their separate and independent existence, but they have fallen before the bloody car of conquest; and have been appropriated as the successful spoils of ambition. They have

only changed masters, and in too many instances, have had substituted a more intolerable despotism than that which preceded it. But here, how different will be the change—how incomparably different must be the results: Our weakness will become strength:—our danger, safety—and desolation of heart will be supplanted by smiles of joy. In this change there will be no compulsion;—no force—no rapacity—no desire for aggrandizement: nothing but the stern determination peculiar to, and characteristic of, freemen, to extend the area of rational liberty; to render more durable republican institutions; and to perpetuate the glory of the American name. Who would not exult in the appellation of an American citizen?

“What country is there contiguous to the United States, that would not rejoice to share the benefits, the privileges and the protection of that government?

“Would not the incorporation of Texas into the American Union be preferable to the tardy, the uncertain, and the hazardous experiment of building up a new government, burdened with debt, and possessed of peculiar domestic institutions which invite the improper interference and misplaced philanthropy of the world?

Ought the restoration of the mutilated province of Louisiana be longer delayed, when Providence, by a peculiar and most extraordinary series of events, seems to have pointed out the easy means of frustrating the designs of men—or at least their bad counsels? The imbecility of Spain—the anarchy of Mexico, the daring attempt of Santa Anna to destroy the Constitution of the country, the resistance and bravery of the people of Texas, the carnage of San Jacinto, and the enlightened judgment of the people of the United States, have all admirably conspired to bring about that restoration. ‘What God hath joined together, let not man put asunder.’ Texas is a part of the great valley of the Mississippi. Her people are the people of the United States; and although separated for a while from her natural allies, the time is at hand when the error will be remedied, and the ‘lost pleiad’ return again to its native sky.”

The author's only apology for inserting the following little poem is its appropriateness to the subjects treated of in this volume.

D. W. C. B.

#### THE “LONE STAR” OF TEXAS.

Black was the night that brooded o'er the land,  
Sombre the clouds that walked athwart the sky,  
Chilly the winds that whistled o'er the plain;  
But stout the hearts that beat unitedly.

That night was Despotism's darkest hour,—

Those clouds and winds, the foes which gathered near ;  
Stout hearts might well dismayed in terror cower ;

But those were *Texan* hearts that knew no fear.

See—just above th' horizon's farthest edge

A lone star rises in the gloomy night ;

Dimly, and tremblingly, its rays are seen

Shining through cloud-rifts, or concealed from sight ;

Faintly it glimmers o'er the *Alamo*—

Redly it gleams above *Jacinto's* field,—

Higher it rises—now brave hearts, rejoice—

'Tis fixed in beauty on Heaven's azure shield.

Lovers of liberty,—where'er ye dwell !

Foes of oppression,—be ye far or near !

Hearts that with sympathy for freemen swell !

Ye who the name of *Washington* revere !

Behold that star !—the peer of all around,

Blazing from out *united stars* 'tis seen—

A "*lone star*" free,—now free amid the free,

Unchanged, undimmed, unclouded and serene.

THE END.

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